

SOUTHERN DISTRICT OF TEXAS

LAREDO DIVISION

UNITED STATES OF AMERICA,) CRIMINAL NO. 5:08-1244-S2
vs.)
ARMANDO GARCIA, A.K.A."CACHETES")
TN:GERARDO CASTILLO-CHAVEZ,)
Defendant.)

TRANSCRIPT OF RAUL JASSO
BEFORE THE HONORABLE MICAELA ALVAREZ
DISTRICT COURT JUDGE

APPEARANCES:

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1 P-R-O-C-E-E-D-I-N-G-S

2 RAUL JASSO, GOVERNMENT WITNESS, SWORN

3 DIRECT EXAMINATION

4 BY MR. MORENO:

5 Q Would you please tell us your full name.

6 A Raul Jasso Jr.

7 Q You have also gone by Richard?

8 A Yes, sir.

9 Q And where are you from, Mr. Jasso?

10 A Laredo, Texas.

11 Q What part of town are you from?

12 A Azteca.

13 Q And presently you are in federal custody?

14 A Yes, sir.

15 Q You were one of the defendants in this case?

16 A Yes, sir.

17 Q You pled guilty in this case?

18 A Yes, sir.

19 Q You are still pending sentencing?

20 A Yes, sir.

21 Q Are you familiar with an organization we refer to
22 as the company or La Mana?

23 A Yes, sir.

24 Q Who is that?

25 A The Gulf cartel.

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1 Q And have you worked for them before?

2 A Yes, sir.

3 Q When did you start working for the company?

4 A Like in '05. The end of '05.

5 Q 2005?

6 A Yes.

7 Q That was the first time you went to work for them?

8 A Yes.

9 Q Did you -- when you went work for them in '05 how
10 was it that you were -- how was it that you came into
11 the organization?

12 A By Gabriel Cardona.

13 Q Prior to coming into work with Gabriel Cardona
14 what were you doing?

15 A Transporting drugs.

16 Q Who were you doing that for?

17 A Javier Martinez.

18 Q Who does he work for?

19 A He worked for the Gulf Cartel too at that moment.

20 Q So did you work for the Gulf Cartel then before
21 2005?

22 A Yes.

23 Q How far back when did you start?

24 A '04.

25 Q 04?

1 A Yes.

2 Q And you said when you first started you were
3 moving drugs?

4 A Yes.

5 Q What kind of drugs?

6 A Cocaine.

7 Q Tell us just a little bit about you said you were
8 running drugs -- where were you running drugs from? To
9 where?

10 A From Laredo to San Antonio to Charlotte, North
11 Carolina; to Atlanta, Georgia; Miami, Florida; New
12 York, the Bronx.

13 Q Do you have any idea approximately how many times
14 you took drugs up north?

15 A How many times?

16 Q Yeah, more or less.

17 A From 10 to 15 times.

18 Q Starting in 2004?

19 A Yes.

20 Q Do you have any idea about how much cocaine you
21 transported?

22 A Probably from 100 to 300 kilos per week.

23 Q Per week?

24 A Yes.

25 Q And then you said in 2005 you met Cardona?

1 A Yes. No, I met Cardona from later on like '99,
2 '98.

3 Q You mean from before?

4 A Yes.

5 Q How did you know Cardona?

6 A From the neighborhood.

7 MR. MORENO: May I approach, Your Honor?

8 THE COURT: You may.

9 BY MR. MORENO:

10 Q Let me show what we've introduced as Government
11 Exhibit 162; do you recognize that photo?

12 A Yes.

13 Q Who is that?

14 A Gabriel Cardona.

15 Q Okay. That's the person that you're talking
16 about?

17 A Yes.

18 Q And you said you have known him since '99?

19 A Yes.

20 Q Where did now him? From where did you know him?

21 A From the neighborhood.

22 Q So you knew him when you were I guess young kids?

23 A Yes.

24 Q Where did you go to high school?

25 A Martin High.

1 Q Where did he go to high school?

2 A Cardona?

3 Q Yes.

4 A Martin High too.

5 Q Did you know him from school?

6 A No.

7 Q No. Just from the neighborhood?

8 A Yes.

9 Q And what happened at 2005? How was it that you
10 ended up getting together again?

11 A We lived in the same neighborhood since '99, so we
12 started this I would say like in '01, '02. We started
13 to (witness starts speaking in Spanish.)

14 THE INTERPRETER: What do you mean? To
15 get together.

16 THE WITNESS: Yes. To get together from
17 then on.

18 BY MR. MORENO:

19 Q All right. And after you-all got together in --
20 did he know what you were doing?

21 A He didn't exact know but.

22 THE INTERPRETER: More or less.

23 THE WITNESS: Kind of. More or less he
24 knew.

25 BY MR. MORENO:

1 Q Let me ask you this. Is it for you to testify in
2 English or in Spanish?

3 A In Spanish.

4 Q Do you want to do it in Spanish?

5 THE WITNESS: Yes.

6 THE COURT: Okay. Let's go ahead and
7 have an interpreter then present. We'll have an
8 interpreter standing right beside you, so you can answer
9 everything in Spanish. It sounds like you understand
10 English just as well and if you want the English
11 question translated, it can be translated for you also.
12 But I think you probably understand the English--.

13 THE WITNESS: I understand English.

14 THE COURT: So then you can hear and
15 answer the question in English, but you can answer it in
16 Spanish if you want.

17 JUROR: Can I make a question?

18 THE COURT: Well let me stop you for just
19 a second. Is the question to do with the proceeding or
20 the evidence, I guess?

21 JUROR: I want too know in kilos -- I
22 don't know.

23 THE COURT: Okay. Okay. I'm sorry. I'm
24 sorry. It's because the jury is not permitted to ask
25 questions about the evidence. Okay. And sometimes I

1 thought you might be having trouble hearing because we
2 are having a little bit of trouble with our microphones
3 so I thought.

4 JUROR: Can you translate kilos?

5 THE COURT: Let me stop you. Okay. You
6 can't ask a question about the evidence in the case.
7 Okay. I'm sorry to say. Okay. Okay, give us--.

8 Apparently, we're going to have a problem with the
9 microphones for a few moments because we have to reset
10 them, but I think Mr. Moreno if you speak up loud enough
11 you can be heard. And I'll ask the interpreter to speak
12 up loud enough.

13 THE INTERPRETER: Yes, Your Honor.

14 THE COURT: And since it is being
15 interpreted I think that Mr. Castillo can--.

16 MR. MORENO: Move up here while its--.

17 THE COURT: Yes, why don't you that.
18 Move up closer. And the mike will not help you but just
19 speak up loudly. Okay. Well some of them are working;
20 some of them are not. But we're not going to stop. So.

21 MR. MORENO: Okay. Where was I?

22 BY MR. MORENO:

23 Q So you met Mr. Cardona you said and you-all
24 started to hang around?

25 A Yes.

1 Q And then what happened in 2005?

2 A He was already involved with the cartel since
3 2004. At that time, we kind of knew each other, but I
4 wasn't totally in that part because at that time I was
5 more involved with the transporting of drugs.

6 Q Okay. What was he doing while you were
7 transporting drugs?

8 A I was a hitman.

9 THE COURT: No.

10 THE WITNESS: Cardona.

11 BY MR. MORENO:

12 Q Cardona was working as a hitman while you were
13 working on drugs?

14 THE INTERPRETER: I'm sorry.

15 BY MR. MORENO:

16 Q I think he understands the questions in English.

17 Can we get the answers translated?

18 THE COURT: That's correct.

19 THE INTERPRETER: Yes, it's correct. I'm
20 just trying to change my habit here.

21 BY MR. MORENO:

22 Q All right. So you said you-all knew each other
23 from then. And in 2005 when you said you knew about
24 each other, you didn't work together at that time?

25 A In 2005, it was only towards the end of that year.

1 Q Okay. Do you remember more or less what month?

2 A October. November.

3 Q Okay. Now are you familiar with an apartment
4 complex on Iturbide street?

5 A Yes.

6 Q Okay. Were you there on Thanksgiving day of 2005,
7 November 24th?

8 A In Thanksgiving day?

9 Q Yes, I believe it was Thanksgiving. November 24,
10 2005?

11 A I can't remember if it was Thanksgiving. However,
12 but I do know about that apartment.

13 Q Okay. Let me ask you this. Were you ever
14 detained by the police or arrested by the police at
15 that apartment complex?

16 A Yes.

17 Q Okay. Let me talk about that day. The day that
18 you got detained by the police?

19 A Okay.

20 Q Can you tell me first of all who was at the
21 apartment?

22 A We were Juan Ramos, Gabriel Cardona, El Loco,
23 Mico, myself, and that was it.

24 Q Okay. Let me show you what we introduced earlier
25 as Government Exhibit Number 183. Do you know who that

1 is?

2 A Juan Ramos.

3 Q Is that the Juan Ramos that you're talking about?

4 A Yes.

5 Q He's the one that was at the apartment?

6 A Yes.

7 Q And, of course, this is you here on 167?

8 A Yes.

9 Q Okay. Who else did you say was there?

10 A Gabriel Cardona, somebody who was referred to as
11 El Loco. And another one called Mico.

12 Q Now what was it that -- actually describe the
13 apartment for us?

14 A It was there on Iturbide. It's two apartments in
15 front. Two in the back. And the apartment that I was
16 in was in the back. It had two floors. When you come
17 in, it's the kitchen with the living room together.
18 Passing the kitchen and the living room, there's a
19 room. And on the left-hand side, there are stairs to
20 go to the second floor. And upstairs there are two
21 rooms.

22 Q Do you remember how it was furnished?

23 A It just had air mattresses.

24 Q Okay. And what was the apartment used for?

25 A Safe house. It was only a safe house.

1 Q Let me show you what we introduced earlier as
2 Government Exhibit Number 40. Do you recognize that?

3 A Yes.

4 Q Is that the apartment you're talking about?

5 A Yes.

6 THE COURT: Yes, was the last?

7 THE INTERPRETER: Yes.

8 BY MR. MORENO:

9 Q All right. And can you just explain what do you
10 mean when you say a safe house?

11 A That's where they were stashing the drugs they
12 were selling at that time. They were selling ounces of
13 cocaine.

14 Q Okay.

15 A Weapons. And they too would stay there while they
16 were in Laredo, Texas.

17 Q Okay. Did you guys have any kind of security at
18 the apartment?

19 A Yes, some cameras.

20 Q What kind of cameras?

21 A There was just one camera that was focused on
22 Iturbide. Like the kind they sell at Wal*Mart. Cheap.

23 Q And what was the camera for?

24 A It was only just in case of the police.

25 Q So like a surveillance camera?

1 A Yes.

2 Q Okay. And on that day did you actually see the
3 police?

4 A Just when they came to knock.

5 Q Okay. What happened when the police came to
6 knock?

7 A We all began to get nervous. We had the light on,
8 so we turned it off.

9 Q And then?

10 A We went to hide the weapons upstairs in the second
11 floor in a room where you could remove the ceiling and
12 El Loco and El Mico got in there.

13 Q What did they do up there?

14 A We passed them the weapons so that they could hide
15 them.

16 Q Do you remember what type of weapons?

17 A It was a Tech 9, and then I don't remember if the
18 other one was 9 or a 40-millimeter one.

19 Q Okay. What did you-all do after you, you know,
20 hid the weapons?

21 A We started to think about how we were going get
22 out of this one. I started to talk to Juan Ramos
23 telling him about jumping over the fences in the back
24 because when you get out of that apartment facing --
25 you would be facing Grant Street. And that's when we

1 said -- we decided that that was the thing to do only
2 waiting for the policeman to take distance to leave
3 through the front. And that was when we saw through
4 the camera that he went off walking toward the patrol
5 car.

6 Q Okay. And when you saw the policeman walk towards
7 this patrol car what did you do?

8 A We decided to get out.

9 Q What happened what you-all came out?

10 A After that, Juan says to me I know the neighbor.
11 So Juan decided to knock on the door to see if she
12 would give us a chance to get in. And at the moment
13 that it took her to open that was when we were
14 surprised by a policeman.

15 Q Okay. And so what happened when you were
16 surprised by the policeman?

17 A We were arrested there.

18 Q The two of you, Ramos and yourself.

19 A Yes.

20 Q Was anybody else taken into custody at that time?

21 A Not at the time when they arrested us.

22 Q No, in the apartment?

23 A All the ones that were there.

24 Q Okay. And when they arrested you, what did they
25 do with you?

1 A They took me to a patrol car, a police car and
2 Juan Ramos was taken to another police car.

3 Q Okay. Where did you live at the time in relation
4 to the apartment?

5 A On Hidalgo.

6 Q How far is that from the apartment?

7 A Two blocks.

8 Q Okay. And so they put you in a patrol car, you
9 said?

10 A Yes.

11 Q And what do you remember happening next?

12 A At that time, I was hearing that they still didn't
13 have the warrant.

14 MR. MORENO: I believe that's a search
15 warrant.

16 THE INTERPRETER: Search warrant.

17 BY MR. MORENO:

18 Q Okay. And then?

19 A The patrol car that I was in had the window down
20 about this much. So when I hear them say we've got the
21 green light to get in, all officers left us alone and
22 they all went into the apartment. And at that moment,
23 my wife was standing there on the corner.

24 Q And who is your wife?

25 A Aurora Del Bosque.

1 MR. MORENO: Your Honor, may I approach?

2 THE COURT: You may.

3 BY MR. MORENO:

4 Q Let me show you what I've marked as Government
5 Exhibit Number 168. Do you recognize that?

6 A Yes.

7 Q Who is that?

8 A My wife.

9 Q What's your wife's name?

10 A Aurora Del Bosque.

11 MR. MORENO: We offer Government's
12 Exhibit 168.

13 THE COURT: Any objection?

14 MR. BALLI: Without objection.

15 THE COURT: It's admitted.

16 (Government Exhibit 168 admitted.)

17 BY MR. MORENO:

18 Q So this is your wife Aurora?

19 A Yes.

20 Q Okay. So you said that you saw her at the corner?

21 A Yes.

22 Q Okay. And so what did do you?

23 A I shouted at her for her to come closer. At that
24 moment she did approach, and she asked me what I
25 wanted. For her to open the door to the patrol car.

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1 Q And did she do that?

2 A Yes.

3 Q Okay. And so what happened next?

4 A At that moment, I got off. And I went running,
5 and I want to the house where I was living at.

6 Q And what did do you after that?

7 A I went and looked for a tool to be able to cut the
8 wires, and I cut the handcuffs off.

9 Q Okay. And what did do you then?

10 A And after that, I went to Nuevo Laredo.

11 Q Where did you go in Nuevo Laredo?

12 A I went to Luis Cardona's house.

13 Q Okay. And who is Luis Cardona?

14 A He is Gabriel's brother.

15 Q Does he have a nickname?

16 A Mope.

17 Q Okay. And how long did you stay over there?

18 A For about a month.

19 Q Before coming back?

20 A Yes.

21 Q Are you familiar with a man by the name of Bruno
22 Juarez?

23 A Only through news and what was said.

24 Q Okay. When you say what was said, said by whom?

25 A The -- about the ones that killed him.

1 Q Okay. And who was that?

2 A Winceslado Tovar.

3 Q And who is Winceslado Tovar?

4 A Wincy is another hitman.

5 Q And who else?

6 A Gabriel Cardona.

7 Q Okay. Anybody else?

8 A In that group?

9 Q Yes.

10 A Richard.

11 Q And do you remember Richard's last name?

12 A Guerrero.

13 Q Okay. Let me show you what we introduced earlier

14 as Government Exhibit Number 163. Do you recognize

15 that?

16 A Yes.

17 Q Who is that?

18 A Winceslado Tovar.

19 Q Okay. And that's Wincy, the person that you're

20 talking about?

21 A Yes.

22 Q And those are the three people that you talked to

23 about the -- about Bruno Juarez?

24 A I only talked at that moment when that took place

25 with Wincy.

1 Q And what was it you talked to Wincy about, and
2 what did he tell you?

3 A I was at Mope's house when he arrived after that
4 had happened. Because it was, well, how could I say
5 that there were problems that they had caught Gabriel
6 and Richard.

7 Q This is right after that happened?

8 A Yes.

9 Q Okay. So how did he get to Nuevo Laredo?

10 A Roberto Camacho took him.

11 MR. MORENO: May I approach?

12 THE COURT: You may.

13 BY MR. MORENO:

14 Q Showing you what's been marked as Government
15 Exhibit Number 185. Do you recognize that?

16 A Yes.

17 Q Who is that?

18 A Roberto Camacho.

19 MR. MORENO: We offer Government Exhibit
20 Number 185.

21 THE COURT: Any objection?

22 MR. BALLI: No objection, Your Honor.

23 THE COURT: It's admitted.

24 (Government Exhibit 185 admitted.)

25 BY MR. MORENO:

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1 Q So this is the person that you know as Roberto
2 Camacho?

3 A Yes.

4 Q And you said he brought Wincy to Luis Cardona's
5 house where you were at?

6 A Yes.

7 Q Okay. Do you remember what they were driving?
8 What he came in?

9 A A green Buick.

10 Q Okay. And what else did Wincy tell you about what
11 happened to Bruno?

12 A Well he told me more or less how things had
13 happened.

14 Q Okay. What was that? What did he tell you
15 happened?

16 A That the codes were turned on like the patrol
17 lights on to stop him because they had intentions of --
18 they had the intention of kidnapping him. And when
19 Bruno refuses to let himself get kidnapped, Winceslado
20 got down with an R-15 and began to shoot at him. After
21 that he says--.

22 Q Let me show you what we introduced earlier as
23 Government Exhibit 27. Is that what you're referring
24 to as codes or--?

25 A Yes.

1 Q Okay. So he told you that he then got out and
2 shot at him and then what?

3 MR. BALLI: Your Honor, objection. May
4 we approach?

5 THE COURT: You may.

6 (At sidebar.)

7 MR. BALLI: Your Honor, they're getting
8 into hearsay right now. I know they're going to say
9 they're coconspirator statements, but they're not
10 coconspirator statements in furtherance of a conspiracy.
11 So I am going to object to the line of questioning
12 because based on our Fourth Amendment right to cross
13 examine the witness, Your Honor, and the fact that these
14 are hearsay statements.

15 THE COURT: Why are they not
16 coconspirator statements in furtherance of the
17 conspiracy?

18 MR. BALLI: Because the only thing that
19 they're doing is telling him what they did. They're not
20 asking for help. They're not asking for assistance.
21 They are not asking him to do anything. They're just
22 recounting something that happened in the past, Your
23 Honor.

24 MR. MORENO: But he is informing him that
25 two of their members had gotten arrested and can

1 prove -- something that proves from the officers some
2 calls that they actually did request people to get them
3 some bond and in fact were bonded out after this because
4 of that by the organization and continuing to commit the
5 murders.

6 MR. BALLI: Your Honor, getting bonded
7 out does not further the conspiracy.

8 THE COURT: I think it does. Especially
9 when we, you know, what happened afterward.

10 MR. VELA: Mere idle chatter about what
11 has been done in the past is not part of the
12 coconspirator. Here's the exceptions. And I have a
13 case that I can show the court that's right on.

14 MR. MORENO: And it also admits that it
15 was their organization and this group as part of this
16 conspiracy who committed this particular murder in this
17 case. It also goes to the overt acts that are listed in
18 the indictment, and it also proves of the -- who the
19 person was identified as the shooter in the case, which
20 no one also has been able to do so.

21 MR. BALLI: But, Your Honor, the fact
22 that it goes to prove a point that they want to prove
23 does not mean it's not hearsay. It's a coconspirator
24 statement. It's not in further of the conspiracy. And
25 it impedes my client's Fourth Amendment right to cross

1 examine the witness. The witness that he's talking
2 about what someone else told him -- we can't cross
3 examine the witness here.

4 THE COURT: Is this leading to, you know,
5 basically--?

6 MR. MORENO: Actually, I'm basically done
7 with that particular part. I'm just going to take him
8 by transaction to transaction with the participation.

9 THE COURT: I guess, you know, I see the
10 point that they're making. If all it is is them coming
11 back and saying this is what happened. And it isn't in
12 furtherance of the conspiracy.

13 MR. MORENO: If the continue because so
14 that they can work to get them out to continue.

15 THE COURT: What I -- the point I'm
16 trying to make is where do we come out in furtherance of
17 conspiracy so. As it is right now, the objection I
18 overruled. But I guess I would be careful just as far
19 as what you're listing if it's just a matter of
20 relating, you know, stories or if it's a matter--.

21 MR. MORENO: The car was the last thing I
22 was going to get in.

23 THE COURT: Okay. All right.

24 (End of sidebar.)

25 You my continue, Mr. Moreno.

1 MR. MORENO: Thank you, Your Honor.

2 BY MR. MORENO:

3 Q So after you-all found out that Cardona and
4 Richard Guerrero had been arrested did the organization
5 try to get him out of jail?

6 A Gabriel Cardona. Yes.

7 Q Did they try to get him released from jail?

8 A Yes.

9 Q Did they, in fact, get him released from jail?

10 A Yes.

11 Q Are you familiar with a person by the name of
12 Moises Garcia?

13 A Yes.

14 Q Okay. Do you know who he was?

15 A I knew -- yes, I did know who he was.

16 Q Okay. Who was he?

17 A He was a member of the Mexican mafia.

18 Q And in relation to the organization what was he?

19 A That I wouldn't know what to say to you.

20 Q Okay. What happened to Mr. Garcia?

21 A He was killed.

22 Q By -- who killed him?

23 A Rosalio Reta.

24 MR. BALLI: Your Honor, may we approach?

25 THE COURT: You may.

1 (At sidebar.)

2 MR. BALLI: Your Honor, I think we're
3 about to run into the same issue that they're -- they
4 know what evidence they have. And the evidence that
5 they have shown us is going to show that everything he
6 knows is based on hearsay. He was not part of that
7 particular murder.

8 MR. MORENO: The evidence is going to be
9 that immediately after the murder when the two
10 individuals testified earlier couldn't go pick him up,
11 they called him to see if he can pick him up. He sends
12 his wife to pick them him up and transport them back to
13 the house where he later meets--.

14 MR. BALLI: Then we have no objection if
15 that's what they're going to--.

16 THE COURT: Okay. All right.

17 (End of sidebar.)

18 MR. MORENO: Could I just get a ruling on
19 the record for the objection.

20 THE COURT: The objection is overruled.

21 BY MR. MORENO:

22 Q Okay. So the organization killed him?

23 A Yes.

24 Q What happened immediately after they killed Moises
25 Garcia?

1 A Immediately, they went to the H-E-B.

2 Q When you say "they" who is they?

3 A Gabriel Cardona, Jesus Gonzalez, Rosalio Reta.

4 Q What happens when they get to the H-E-B?

5 A They park the Expedition in the H-E-B parking lot,
6 and they go inside.

7 Q And then what happened?

8 A At that time, I was in Nuevo Laredo at Luis's --
9 Mope's house.

10 Q Okay. And what happened when you were at Luis's
11 house?

12 A Gabriel calls his brother.

13 Q How do you know that?

14 A I was there. He had him on the speaker, on the
15 radio.

16 Q So you can listen to the conversation?

17 A Yes.

18 Q Okay. And so what happens when Gabriel calls his
19 brother?

20 A He starts to tell him that they were hiding in the
21 H-E-B.

22 Q What do you mean by hiding?

23 A That they were there. Well that they were like
24 reclusive that they did not have a means of leaving the
25 H-E-B.

1 Q Okay. So what is it that Gabriel Cardona wants?

2 A That somebody would go pick them up.

3 Q And what did you or Mope do in response to the
4 that?

5 A Supposedly there was a person that was going to
6 pick up them up, but did not want to go.

7 Q Do you know who that is?

8 A Eduardo Chavarria.

9 Q Okay. So then what happened?

10 A I offered to send my wife.

11 Q Aurora?

12 A Yes.

13 Q Did you in fact do that?

14 A Yes.

15 Q And did she go pick them up?

16 A Yes.

17 Q Do you know where she took them?

18 A To a house that's over there on Hillside.

19 Q Have you ever been to that house?

20 A If I went? Yes.

21 Q What can you tell me about that house. Where more
22 or less was it located?

23 A It was around there, around the public library on
24 McPherson.

25 Q Okay. And how many times have you been there?

1 A I went three or four times.

2 Q All right. So after -- after you have your wife
3 transport them to the house there, did you do anything
4 else involving that situation with Moises Garcia?

5 A No.

6 Q You said later after you met Cardona did you
7 eventually stop moving drugs and then become part of
8 the group with Gabriel Cardona?

9 A I stopped moving drugs because several people were
10 arrested in San Antonio.

11 Q Okay and so what did do you after you stopped
12 moving drugs?

13 A I went off back to Nuevo Laredo because they told
14 me that there was a sealed indictment.

15 Q Sorry. That you were in a sealed indictment?

16 A Yes.

17 Q Okay.

18 A Through some lawyers that Javier Martinez and
19 another person had.

20 Q And that's person you told us earlier that you
21 were moving drugs for?

22 A Yes.

23 Q Did they tell you where the indictments were from?

24 A From San Antonio and that they already had taped
25 recordings of me.

1 Q Okay. So after you found that out and you went to
2 Nuevo Laredo, then what did you do next?

3 A From there, I went to Monterrey for a month.

4 Q And then?

5 A During that time, I was still moving their
6 merchandise.

7 Q Okay. And when you say merchandise, what do you
8 mean?

9 A Cocaine.

10 Q Okay. So eventually do you come back to Laredo?

11 A Yes.

12 Q To do what?

13 A The same. By I started to have problems with
14 their transport. So they pushed me aside. And when
15 they pushed me aside, looking for a way to make money,
16 I offered to work for Cardona.

17 Q And you were going to work for Cardona doing what?

18 A At first just to start as a spotter, as a lookout.
19 And I offered to kill people.

20 Q Okay. Let me show you what we marked earlier as
21 Government Exhibit Number 60. Do you recognize that?

22 A Yes.

23 Q And what is that?

24 A That's the house on Hillside.

25 Q Okay. That's the house you said that your wife

1 transported Reta, Jesse, and Cardona?

2 A Yes.

3 Q Let me show you what we introduced earlier as
4 Government Exhibit Number 165. Do you recognize that
5 person?

6 A Yes.

7 Q And who is that?

8 A Jesus Gonzalez.

9 Q Okay. And Government Exhibit Number 166?

10 A Rosalio Reta.

11 Q Those are the individuals that you were talking
12 about?

13 A Yes.

14 Q Okay. So you said you started to work I guess as
15 a spotter for Gabriel Cardona and then as a sicario or
16 hitman yourself?

17 A Yes.

18 Q More or less about what time was that?

19 A When I offered myself, it was about the beginning
20 of January.

21 Q January of what year?

22 A Of 2006.

23 Q Okay. Do you remember what was the first thing
24 you did working with them as a sicario?

25 A No, well at that moment I did not do anything. I

1 would just be hanging around with them waiting for
2 orders to go find that person or whatever they wanted.

3 Q Okay. And so when did you first participate on an
4 actual assassination -- a kidnapping?

5 A In March.

6 Q Of 2006?

7 A Yes.

8 Q Okay. And can you tell us how that happened?

9 A At that moment, we were as Eclipse. And we saw
10 some people there that supposedly work for the Sinaloa
11 cartel.

12 Q Okay. What is the Eclipse?

13 A It's a night club in Nuevo Laredo.

14 Q Okay. And when you say we were there, who is we?

15 A Myself, Jesus Gonzalez, and some people from Nuevo
16 Laredo.

17 Q Do you remember their names?

18 A Nicknames -- one called El Guero, El Negro, Hera,
19 and other people. But I can't remember names.

20 Q Okay. And the people you saw that you thought
21 worked for the Sinaloa cartel, who was that?

22 A Poncho and the other one Aviles.

23 Q Okay. Do you know what Poncho's name is?

24 A No.

25 Q How did you recognize him or how did you know

1 Poncho?

2 A Because it hadn't been too long since we had seen
3 him. And Jesus recognized him.

4 Q So it was just Jesus -- Jessie is the one who
5 recognized him?

6 A Yes.

7 Q You said you had seen him like a month before.

8 Where had you seen him like a month before?

9 A I didn't say a month before. But I had already
10 seen him. It hadn't been long since I had last seen
11 him. Perhaps two weeks.

12 Q Okay. Let me show you what's been marked as
13 Government Exhibit -- I'm sorry.

14 MR. MORENO: May I approach, Your Honor?

15 THE COURT: You may.

16 BY MR. MORENO:

17 Q I'm showing you what I've marked as Government
18 Exhibit Number 96 and 97. Do you recognize those?

19 A Yes. Poncho.

20 Q 96 is Poncho?

21 A Yes.

22 Q 97?

23 A Inez.

24 Q Okay.

25 MR. MORENO: We'd offer Government

1 Exhibit 96 and 97?

2 THE COURT: Any objections?

3 MR. BALLI: No objections, Your Honor.

4 THE COURT: They're admitted.

5 (Government Exhibits 96 and 97 admitted.)

6 BY MR. MORENO:

7 Q Government Exhibit Number 96, that's the person
8 you knew as Poncho?

9 A Yes.

10 Q And Government Exhibit Number 97, that's the
11 person you knew as Inez?

12 A Yes.

13 Q Okay. Now you said you'd seen him recently before
14 you saw him at the bar?

15 A Yes.

16 Q Why had you seen him before?

17 A I don't remember exactly why, but I was talking
18 with Juan.

19 Q I'm sorry.

20 A Poncho.

21 Q Who was talking?

22 A Poncho was talking with Juan on the radio.

23 Q Why did you see him? You said you saw him.

24 A At that moment when Juan was talking with Poncho,
25 I don't know what their arrangements were. But at that

1 time, we left to see Poncho at a house.

2 Q Okay. And when you say, we who is we?

3 A Myself, Juan Ramos, and Gabriel Cardona.

4 Q So you actually met with Poncho at his house or
5 some house?

6 A Yes.

7 Q And this is how long you think before you saw him
8 at the bar?

9 A About one or two weeks.

10 Q Okay. So what happens after you spot them at the
11 bar?

12 A When I see them, this is Jesus, we were going
13 upstairs. It was a two-story.

14 THE COURT: I think it was when Jesus saw
15 them.

16 THE WITNESS: Yes. We were going up the
17 stairs, and he was coming down. And Jesus says to me,
18 look, look there goes Poncho. And then at that moment,
19 we came back down behind him. Jesus takes out his gun
20 and hits Poncho on the back of the head. He puts him in
21 the car. I followed him in my truck. We were going to
22 take him to a house, but at that moment, I was talking
23 to Cardona telling him that we had Poncho.

24 Q So Cardona was not with you in Nuevo Laredo?

25 A No.

1 Q Where was he?

2 A In Laredo, Texas.

3 Q So you called him to tell him that you had Poncho?

4 A Yes.

5 Q All right. And so you said you were going to take
6 him to a house, but you were talking to Cardona and
7 then what?

8 A He told me to take him to his house.

9 Q And when Cardona said take him to my house, which
10 house are you talking about?

11 A There to Luis's house, the one that was Luis's
12 house over there in Nuevo Laredo.

13 Q The same house you have been telling us where you
14 stayed and where you were?

15 A Yes.

16 Q And so what did do you? Did you take them to the
17 house?

18 A We were there, yes.

19 Q Let me back up for a second. You said you were at
20 the Eclipse club?

21 A Yes.

22 Q You said Jesse took out a gun and hit him in the
23 head?

24 A Yes.

25 Q How was it that you were able to do that at a bar?

1 A The managers there at the Eclipse knew that we
2 were part of the outfit called La Compania, the
3 company.

4 Q And what did that mean?

5 A That we were practically untouchable.

6 Q So whatever you wanted to do at the bar that was
7 fine?

8 A Yes.

9 Q So what happens when you get to Luis's house?

10 A When we got there, we started to take Poncho's
11 clothes off. And we began to hit him. He told us
12 that he had been there at Eclipse there with another
13 person.

14 Q Okay. So what did do you?

15 A And then at that moment the guy who was called
16 Hera said, I know who he was talking about. I saw who
17 he was with. So at that moment, I go back to Eclipse
18 to get the person that was with Poncho.

19 Q And who was that person?

20 A Inez.

21 Q And so did you go back to get him at Eclipse?

22 A Yes.

23 Q What did do you with Inez?

24 A I kidnapped him right there from the club. And I
25 took him out at gun point, and I took him there back to

1 the house.

2 Q Okay. What happened when you got him to the
3 house?

4 A At that time, Cardona was already there at the
5 house.

6 Q So he came to Nuevo Laredo to the house to Luis's
7 house?

8 A Yes.

9 Q Okay. So what happened then?

10 A At that time, Cardona begins to speak with other
11 people about taking them from that house to another
12 house.

13 Q When you say other persons, you're referring to
14 other persons in the company?

15 A Yes.

16 Q Do you know who he's talking to?

17 A With Mario Flores.

18 Q Who is Mario Flores?

19 A A high-ranking member of the company.

20 Q What did he do?

21 A He would give him orders to take him to a given
22 place, so that those people could grab him.

23 Q Okay. And when you say those people are you
24 talking about Poncho and Inez?

25 A Yes.

1 Q And where do they take him?

2 A To another house.

3 Q And what happens there?

4 A At that time, I did not go with them. I returned
5 to Eclipse.

6 Q Okay. Do you know what eventually happened to
7 Poncho and Inez?

8 A Yes.

9 Q What happened to them?

10 A They died.

11 Q They died or they were killed?

12 A They were killed, but supposedly it was at dawn
13 they were found dead. Perhaps, they bled to death. I
14 don't know.

15 Q Okay. After this incident happened in Nuevo
16 Laredo, what did you do then?

17 A I stayed in Nuevo Laredo that night. And then I
18 returned to Laredo, Texas.

19 Q The next day?

20 A Yes.

21 Q Where did you go?

22 A I don't know -- I returned to -- I can't remember
23 if that day we had already localized Resendez.

24 Q Okay. And when you say Resendez, who are you
25 referring to?

1 A Jesus Maria Resendez.

2 Q Is he also known as Chuy Resendez?

3 A Yes.

4 Q Okay. You said you think you had him located.

5 Were you looking for Chuy Resendez?

6 A Yes.

7 Q Why were you-all looking for Chuy Resendez?

8 A Because there was a contract out for him. Miguel
9 Trevino wanted him. The company was looking for him.

10 Q Okay. And did you know Chuy Resendez?

11 A No.

12 Q Did you know what he looked like?

13 A No.

14 Q So you said you thought they had him located?

15 A Yes, at that time, I already knew who he was
16 through somebody called El Pantera.

17 Q And who is El Pantera?

18 A He was member of the Pistoleros.

19 Q And who are the Pistoleros?

20 A A gang here in Laredo, and that is where Cardona
21 met him.

22 Q Where?

23 A In the county of Laredo.

24 Q By county what are you referring to?

25 A At the Webb County.

1 Q The county?

2 A No. Jail.

3 Q Okay. The Webb County Jail?

4 A Yes.

5 Q So Pantera met Cardona at the Webb County Jail?

6 A Yes.

7 Q Let me show you what we marked earlier or
8 introduced earlier as Government Exhibit 182; do you
9 recognize that?

10 A That's Pantera.

11 Q Okay. So what happened when -- when you're
12 telling us Pantera had localized him, tell us about
13 that. What was it that happened there?

14 A When that business of Inez and that took place, we
15 were already locating Resendez.

16 Q Okay.

17 A We went to different homes that supposedly were
18 his.

19 Q Do you remember where those houses were?

20 A One was in Los Presidentes and another one in
21 Santa Rita.

22 Q Okay. And after going to look for him at houses
23 then what?

24 A Pantera gives us a picture, and while we're
25 looking for the house Pantera gives us a picture of

1 him.

2 Q And then?

3 A So I blow it up. And we went and showed it to
4 Miguel Trevino asking him if that's the person. He
5 said, yes. And then we went back.

6 Q Okay. When you said we went to show it to Miguel
7 Trevino, who is we?

8 A Myself, Cardona, and Pantera.

9 Q Okay. And where did you go see Miguel Trevino?

10 A There around Guerrero Viejo, which is right next
11 to the old Riverside Road.

12 Q This is on the Mexican side?

13 A Yes.

14 Q And do you remember approximately when that was?

15 A Perhaps during the last week of March.

16 Q Okay. So Cardona, Pantera, you go over to see
17 Trevino?

18 A Yes.

19 Q Just the three of you?

20 A Yes.

21 Q How did you go over, do you remember?

22 A We went in one of my cars.

23 Q What car were you using?

24 A At that time, it was a blue Ram.

25 Q Okay. And what happened when you showed him the

1 picture and he said, yeah, that's guy?

2 A Miguel Trevino and Pantera began to talk about how
3 much they were going to give him when they would find
4 him.

5 Q Okay. And how much were they going to give
6 Pantera if you-all found him?

7 A \$40,000.

8 Q Okay. What about you or Cardona?

9 A \$50,000.

10 Q Each for you or for both?

11 A No, for both.

12 Q Okay. And so after you made arrangements for the
13 money then you said you came back?

14 A Yes.

15 Q What did you-all do when you came back?

16 A At that time, Miguel--

17 Q Miguel had told who?

18 A -- had said there's another group trying to
19 localize -- locate Cardona.

20 THE COURT: No. No.

21 BY MR. MORENO:

22 Q I'll start over.

23 A Miguel Trevino told Cardona that there was already
24 another group of hitmen in Laredo, Texas trying to
25 locate Jesus Resendez.

1 Q Okay. And what about the other group that was
2 already in Laredo, Texas?

3 A He gave orders for us to meet up with them to get
4 together and do the job.

5 Q And when you say to do the job, what are you
6 talking about?

7 A Kill Resendez.

8 Q Okay. And did he tell you-all who the other group
9 was?

10 A They didn't tell us. They just gave us numbers so
11 that we would be able to meet somewhere.

12 Q Okay. When you say numbers, what are you
13 referring to?

14 A Radios.

15 Q Like the radio number?

16 A Yes, like a Nextel or Boost mobile.

17 Q And so when you came back, did you-all communicate
18 with the other group?

19 A Yes, Cardona called them.

20 Q Okay. And did you-all meet with the other group?

21 A Yes, we met at a mark in Siete Viejo.

22 Q Okay. Who came to the park on your group?

23 A Myself, Gabriel Cardona, Juan Ramos, and Pantera.

24 Q Okay. Who came in that group?

25 A Pepe Martinez, Cachetes, and some four other

1 people that were with them.

2 Q Let me show you what was introduced earlier as
3 Government Exhibit 181. Do you recognize him?

4 A Pepe Martinez.

5 Q At the meeting at the park, what do you-all do
6 when you meet at the park?

7 A Well, we greeted each other. And then Cardona
8 starts to talk to their leader.

9 Q Who is that? Who is the leader?

10 A A skinny fellow. I wouldn't know what -- where
11 they're in a group. And at that moment, I walk away
12 distancing myself.

13 Q Okay. Had that group already been working in
14 Laredo?

15 A Yes.

16 Q How do you know that?

17 A Through conversations that they told me about.

18 Q Who?

19 A Pepe Martinez and the skinny fellow I said -- I
20 mentioned.

21 Q What did they tell you?

22 A That they had gone to Rio Bravo trying to locate
23 Resendez, but they had found the brother. And that
24 they got down shooting at them, but they didn't get
25 them. That this fellow started to run.

1 Q Okay. And anything else about that?

2 A That supposedly that he had dropped the phone and
3 had been hit in one of the hands.

4 Q Who had dropped the phone?

5 A The guy that did the shooting.

6 Q Okay. So approximately if you can remember how
7 long did this meeting at the park take?

8 A After Resendez?

9 Q No. No. How long were you at the park?

10 A No. Oh that was 20 or 30 minutes.

11 Q Okay. Then what happened after the meeting for
12 20, 30 minutes?

13 A We agreed that we were going to stay at one of
14 Pepe Martinez's house in Santa Fe.

15 Q Okay. What were you-all going to do for weapons?

16 A They already had weapons -- they already had
17 high-caliber weapons. And we got ahold of other ones,
18 but I don't remember how we did that.

19 Q Did you get them here in Laredo?

20 A Yes.

21 Q And when you say they already had weapons, who is
22 they?

23 A Cachetes, Pedro Martinez, and the others.

24 Q The other group?

25 A His group. Yes.

1 Q Okay. And so did you in fact go meet at that
2 house that belonged to Pepe Martinez?

3 A Yes.

4 Q And can you describe that house for us?

5 A It was a trailer, pink one.

6 Q Okay. Approximately what time did you meet there?

7 A In the afternoon, 2:00 or 3:00 in the afternoon.

8 Q Okay. And how long did you stay at that house?

9 A Until Resendez's that took place about 8:00, 9:00
10 at night.

11 Q Okay. So like 2:00 or 3:00 in the afternoon until
12 8:00 or 9:00 at night?

13 A Yes.

14 Q What did do you at the house?

15 A We were just waiting for the spotters to call us
16 informing us that they had located him.

17 Q Okay. Who were the spotters?

18 A Juan Ramos and Cardona and a another one of their
19 group they were in a Grand Marquis.

20 Q What were your spotters Cardona and Ramos using?

21 A First they were in a black Mercedes.

22 Q Who does that belong to?

23 A Me.

24 Q And then you said first and then?

25 A After they had passed by several times, Gabriel

1 Cardona came back to the trailer to tell me that they
2 needed another vehicle. We had already spotted the
3 truck that supposedly that Resendez was supposedly
4 driving at a house there in Santa Rita. So Cardona
5 says we need to change vehicles because this car is
6 burned because we have already driven by several times.

7 Q So what did you do?

8 A And so I call my wife and ask her to switch the
9 truck.

10 Q Okay. And we're talking about Aurora?

11 A Yes.

12 Q Okay. And does she come over to switch trucks?

13 A Yes, they meet her at a gas station. I said I'll
14 meet you up at the gas station that's on Zapata
15 highway. I'll give you the truck that I'm driving, and
16 you give me the blue Ram.

17 Q Okay. Do you remember what gas station this was?

18 A There on Zapata Highway as you come into Santa Fe
19 right after the Jack in the Box.

20 Q Do you remember what kind of gas station it was:
21 Mobile, Shell, Stripes--?

22 A No.

23 Q Okay. So did you in fact go meet your wife Aurora
24 to trade trucks?

25 A Cardona and Ramos went to switch it.

1 Q Okay. So then they used the blue Ram?

2 A Yes.

3 Q And so you stayed at the house?

4 A Yes.

5 Q So what happened next?

6 A They show up there again to talk to me to be ready
7 that it might go down immediately.

8 Q All this time that you're there at the house what
9 are you-all doing?

10 A Just there waiting, sitting, and waiting for the
11 call.

12 Q Okay. You said their group also had a spotter?

13 A Yes.

14 Q And he was driving what?

15 A Like a golden beige Grand Marquis.

16 Q Okay. And when you're at the house at the trailer
17 house there are you-all talking? What are you doing
18 for six hours?

19 A Talking.

20 MR. BALLI: Objection, Your Honor. That
21 misstates prior testimony, Your Honor. Previously, he
22 said five hours.

23 THE COURT: The objection is overruled.

24 BY MR. MORENO:

25 Q Okay. So what are you-all talking about?

1 A Nothing. What they had done. What they had done
2 the day before, and who was in charge of our group.
3 Just that.

4 Q When you say what they had done the day before,
5 what are you talking about?

6 A What had happened in Rio Bravo.

7 Q The event that you told us about?

8 A Yes.

9 Q That's when he told you when you were at the
10 trailer house?

11 A Yes.

12 Q Okay. So eventually what happens?

13 A At that moment Ramos calls us and tells us he
14 spotted the truck on 83. And that's when we quickly
15 got into the truck. I was trying to get on. It was a
16 green Chevrolet four-door truck. I was going to get
17 into the backseat. But Cachetes says, no. No. Go in
18 the cargo area. So I went back in there.

19 THE INTERPRETER: Thank you.

20 THE WITNESS: Pantera got in there with
21 me and another fellow.

22 BY MR. MORENO:

23 Q Okay. Let me stop you. When you get in the truck
24 are you-all armed?

25 A Yes. Their weapons were already in there. And we

1 were carrying our weapons. That was myself and Pantera
2 were.

3 Q What were you carrying?

4 A A 9-millimeter.

5 Q Okay. What was Pantera carrying?

6 A A 9-millimeter too.

7 Q What were they carrying?

8 A AK-47s.

9 Q Okay. Does that include Cachetes?

10 A Yes.

11 Q Martinez?

12 A Yes. No, Martinez was driving.

13 Q Okay. Now you mentioned a green -- what kind of
14 truck was it?

15 A Chevrolet.

16 Q A green Chevrolet four door?

17 A Yes.

18 Q Okay. What color green? What kind of green?

19 A Dark green.

20 Q Okay. And more or less what time is this you
21 said? No. Time. More or less what time is this?

22 A Around -- it was nighttime 9:00 or 8:00 around
23 there.

24 Q Okay. So you all jump in the truck and then?

25 A And, well, we left Santa Fe. And where we

1 turned -- at the point where we turned we saw the
2 truck.

3 Q Where you turn where?

4 A As we were leaving Santa Fe to go onto Highway 83.
5 We saw the truck, so we turned around. And so when we
6 were almost in front of the truck that Resendez was
7 driving somebody shoots. I don't know who it was if it
8 was the one next to the driver or the one that was in
9 the back. And at that moment when he starts to shoot,
10 we all start to shoot.

11 Q How many people is we all start to shoot? How
12 many people are in the truck?

13 A The driver. And the one that's next to the
14 driver.

15 THE COURT: Not the driver.

16 THE WITNESS: The copilot. The one that
17 was next to the driver. The one that's next to the
18 driver.

19 THE COURT: He's saying not the driver.

20 THE WITNESS: The copilot, the one next
21 to the driver. The one behind the driver. The
22 passenger Pantera, myself, and somebody else that was in
23 there. So we were a total of five people.

24 Q Okay. So Pepe is driving?

25 A Yes.

1 Q There's a passenger with him in the front?

2 A Yes.

3 Q That person fired?

4 A Yes.

5 Q And when you said there's a person in the

6 backseat?

7 A Yes.

8 Q Who is that?

9 A Cachetes.

10 Q Who is the person in the front, the passenger?

11 A A skinny guy.

12 Q Okay. And then Cachetes is also firing?

13 A Yes.

14 Q And then you're in the bed?

15 A Yes.

16 Q You're firing?

17 A Yes.

18 Q Pantera is in the back?

19 A Yes.

20 Q He's firing?

21 A Yes.

22 Q And then there's a third person?

23 A Yes.

24 Q Do you know who he is name or anything?

25 A The skinny guy that was in charge.

1 Q He's firing?

2 A Yes.

3 Q So you said you-all start shooting before you get
4 to the truck then what happens?

5 A We began shooting. Perhaps the whole cartridge.

6 Q The whole?

7 A The whole cartridge. And there were like one or
8 two cars in front of Resendez.

9 Q When you say the whole cartridges or the whole
10 magazine, what -- approximately how many rounds do you
11 think you fired at the truck?

12 A It could have been 90 to 100 times.

13 Q Okay. And then what happened?

14 A And those cars that were in front it seems like
15 before they were going to get hit looks like they were
16 trying to get away. So it hits the car in front, and
17 the car in front moves. And then the truck just coasts
18 away. And as the truck is moving away, we keep
19 shooting at it. And then from there, we go back to
20 Martinez's house.

21 Q Okay. Let me go back. So you keep shooting at
22 the truck as the truck tries the move?

23 A Yes.

24 Q Okay. And then you said you turned where?

25 A To the left. Toward Martinez's house.

1 Q But you-all are still shooting?

2 A Yes.

3 Q And the truck ends up where?

4 A It hit against a wrong way sign, and there it
5 stopped.

6 Q Okay. When you pulled up next to the truck did
7 you see how many people were in the truck?

8 A When we stopped to shoot right there at the truck,
9 no.

10 Q At any point I could you tell who was in the
11 truck?

12 A No.

13 Q Could you even see in the truck?

14 A No.

15 Q You didn't know who you were shooting?

16 A No.

17 Q So what happens after you go to the -- back to
18 Pepe's house?

19 A When we get back to Martinez's house, myself and
20 Pantera had a car we had left parked at the parking
21 area at a park right next door.

22 Q How far is this park from the house?

23 A About a block not too far.

24 Q Okay. And why did you have a car there?

25 A So that we could leave on our own separate way

1 after that.

2 Q Okay. So you get to Martinez's house and then
3 what?

4 A Well after that Pantera and I go to the car. They
5 were going to go somewhere else. I don't know where,
6 but they were getting the weapons out of the car -- out
7 of the truck. And then Pantera and I left to the car
8 that we had supposedly parked there, but it was not
9 there.

10 Q What do you mean it wasn't there?

11 A Well I don't know what happened. It's just that
12 it wasn't there at the parking lot any more.

13 Q Okay. So what do you do then?

14 A Then we headed up to a little hillside going
15 toward Valeria Loop. And I took out the weapon that I
16 was carrying and hid it there among the bushes. We
17 called Juanio so that he would come pick us up.

18 Q Who is Juanio?

19 A Juan Ramos.

20 Q And does he come pick you up?

21 A Yes, about 20 minutes later.

22 Q Who comes to pick you up?

23 A Juan Ramos.

24 Q By himself?

25 A Yes.

1 Q Okay. And then what?

2 A After that, we went to drop off Pantera at a store
3 that's over there around Los Presidentes by Santo Nino.

4 Q When you say store what kind of store?

5 A Like a meat market something like that there on
6 New York.

7 Q Okay. And so what happens after you drop off
8 Pantera?

9 A After that, we went to my house.

10 Q What did do you at your house?

11 A I took a bath, and we changed cars.

12 Q There is you and who now?

13 A Me and Juan Ramos. I don't know remember if we
14 picked up Cardona from his house. Juan Ramos had left
15 him at a door. He left him at a house when he went to
16 pick us up because -- due to the fact that he was
17 already very burned with the police. And when he went
18 to pick us up, he didn't want for detectives or anybody
19 like that to see him. Because then they would know
20 that he had something to do with that. So I go to my
21 house. I take a bath, and we change trucks.

22 Q To what truck?

23 A To the black Mercedes.

24 Q The same Mercedes one or a different Mercedes?

25 A The same one that they had gone to pick up.

1 Q Okay. So what did you-all do?

2 A After that we went to San Bernardo.

3 Q To do what?

4 A Cruise.

5 Q So after the murder you guys went cruising?

6 A Yes.

7 Q And then what -- when did you-all get together
8 again?

9 A After that we partied all night myself and
10 Cardona. Ramos went to his house. Cardona and I were
11 at an apartment, and I stayed there the night. And in
12 the afternoon, Cardona showed up. They told me that
13 they had called him, and they were saying that we had
14 to go to the other side because they were already
15 distributing the things that they were supposedly going
16 to give away and things like that.

17 Q And whether you say the things that they were
18 going to give away, what are you talking about?

19 A Supposedly, before all this incident with Resendez
20 took place there were some people who were supposedly
21 going to make presents of drugs and more money apart or
22 separate from the money that they were going to give
23 us. But it didn't happen that way.

24 Q So they wanted you-all to go across so you could
25 take part in that?

1 A Yes.

2 Q And so what did you-all do after they called to
3 tell you -- first of all, who called you to tell you to
4 go back?

5 A Mario Flores called Cardona.

6 Q Okay. And so after you-all received the call,
7 what do you-all do?

8 A We went to play with some machines, little
9 gambling machines right after Taco Palenque.

10 MR. MORENO: I don't think he said play.
11 He just went to a place.

12 THE WITNESS: Outside of the maquinitas
13 at Burlington. There we met up with Roberto Camacho,
14 Enrique Garcia, another one. And from there we went to
15 pick up Pantera at Cardona's house because that's where
16 they had left him. And from there I, myself, Pantera
17 and Ramos took off.

18 Q Okay. Ramos, Pantera, Cardona, and you left to go
19 where?

20 A To Nuevo Laredo.

21 Q Okay. And then when you went to Nuevo Laredo what
22 did you-all do?

23 A From there, I don't remember if we went to Rio
24 Bravo. I don't remember exactly. I don't really know
25 exactly the name of the town we stayed at, but we

1 stayed at a hotel there until the next day.

2 Q When you say Rio Bravo, are you talking about the
3 Rio Bravo on this side or on the other side?

4 A Mexico.

5 Q So you stayed in a hotel that night and then?

6 A After that, they came to see us.

7 Q Who is they?

8 A Miguel Trevino, Pepe Sarabia, Mario Flores.

9 Q Who is Pepe Sarabia?

10 A Another high-ranking member. And there we stayed
11 until the next day so that we would be paid the money.

12 Q The money for the assassination?

13 A Yes.

14 Q Okay. And so did you get paid the money?

15 A Yes.

16 Q Okay.

17 A Only a part of it though.

18 Q Okay. Who got paid and how much were they paid?

19 A 40 were given to Pantera. And I don't remember if
20 they gave a part to us. Because they gave us 40 to
21 60,000 on that side. I can't recall well. And from
22 there, we had gone in a red Expedition that was mine
23 also. After that, we met in the afternoon at a Chili's
24 to eat.

25 Q On that side or on the U.S. side?

1 A On that side. We had moved from Rio Bravo to
2 Reynosa. And once they had paid us and all that, we
3 came back to this side. Ramos and Pantera came through
4 the river.

5 Q Why did they come through the river?

6 A Because Pantera didn't have the documents, and
7 Ramos had pending charges.

8 Q And where did you and Cardona go?

9 A I believe we left them at Ciudad Guerrero, and
10 then we just drove in the truck to Nuevo Laredo.

11 Q You and Cardona?

12 A Yes. And then after that Cardona crossed by foot.
13 And I crossed in the truck.

14 Q Who had that 40, \$60,000?

15 A I crossed it.

16 Q Okay. What happens after you crossed the money?

17 A After I crossed it over, Cardona and I go to my
18 house. We leave the part that they gave us there, and
19 we went to pick up the other part at Rio Bravo.

20 Q Rio Bravo on this side or on the other side?

21 A Rio Bravo on this side. Rio Bravo on the American
22 side. A lady was going to give us the other part. She
23 gave it to us in a shoe box.

24 Q Okay. How did you hook up with this lady?

25 A They gave her the phone number, this woman that

1 Cardona knew.

2 Q I'm sorry. Can we do that again. Who gave who a
3 number?

4 A Miguel Trevino gave the woman a phone number so
5 that she would call Cardona.

6 Q Okay. And so?

7 A The woman calls Cardona telling him for us to come
8 up to Rio Bravo. And she was supposedly going to give
9 us the address so that we could make it to that house.
10 But on the route to Rio Bravo, she had a change of
11 heart. And said that she would meet us at the service
12 station that's right there as soon as you come in to
13 Rio Bravo.

14 Q Okay. And so did you and Cardona in fact meet the
15 woman there?

16 A Yes.

17 Q And what happened when you met her?

18 A I did not get off the truck, but he did.

19 Q He who?

20 A Cardona. And the lady who was in the van waiting
21 also got off. And she hands him the box, and we leave.

22 Q Okay. Where did you and Cardona go?

23 A Back to the house again to count money.

24 Q Okay. So did you go back and count the money?

25 A Yes.

1 Q Altogether, how much money did you have?

2 A Ninety.

3 Q What happens to the 90?

4 A I take 20. The 40 that Pantera has he gives ten
5 to Ramos and he stays with 30. And Gabriel keeps 30.

6 Q Okay. What did you do with your 20?

7 A Nothing. I just spent it on clothing. And just
8 spent it running around.

9 THE COURT: And we're talking thousands
10 here?

11 THE WITNESS: Yes.

12 BY MR. MORENO:

13 Q So after -- where do you-all divide the money?

14 A Cardona gives me 20 at my house. And he takes the
15 rest back to his house and then splits it up with
16 Pantera.

17 Q Okay. You have told us that in this incident Pepe
18 Martinez was with you, Cardona, Reta and you also
19 mentioned a fellow named Cachetes?

20 A Yes.

21 Q Was that the only time that you had worked with
22 Cachetes?

23 A Yes.

24 Q Did you have any contact with him after that?

25 A No.

1 Q Okay. Now I want you to look in the courtroom and
2 tell me do you see the person that you know as Cachetes
3 here in the courtroom?

4 A Yes.

5 Q Would you point him out and tell us what he's
6 wearing?

7 A He's wearing a long-sleeved shirt striped with
8 gray stripes. Gray and white stripes.

9 MR. MORENO: Your Honor, may the record
10 reflect that he's identifying the defendant in this case
11 here.

12 THE COURT: The record will so reflect.

13 BY MR. MORENO:

14 Q And that's the person who worked with you when
15 you-all killed the two Resendezes?

16 A Yes.

17 Q Now after the murder of Resendez when do you and
18 Cardona get together again?

19 A Right after. After the incident with Resendez a
20 and when we went to San Bernardo?

21 Q No, no, no. I mean you come back with the money.
22 You split the money then what happens?

23 A We were just running around, staying at hotels,
24 waiting for further orders to -- for other people.

25 Q Do you eventually get other orders?

1 A Yes.

2 Q And what are those orders?

3 A To locate and kill a person who was referred to as
4 El Checo.

5 Q Okay. What did you know about Checo?

6 A Nothing.

7 Q Did you know what he looked like? Where he lived?

8 A No. Somebody over there from Mexico used to work
9 with him work transporting illegals. But supposedly I
10 was going to make myself I was going to pass myself off
11 as somebody who also was transporting illegals. They
12 were going to send me to his house. And I was going to
13 present myself as this type of person. And what they
14 wanted at that moment was for me to get him into the
15 car and kill him inside the car.

16 Q Somebody was going to tell you how to get to where
17 he lived?

18 A Yes.

19 Q Because you mentioned Checo and who else?

20 A Somebody who was at Cosmos. All I knew is that he
21 was called Miguel. In a blue Hummer.

22 Q Anybody else?

23 A Michael Lopez. Miguel Lopez.

24 Q This is a separate Miguel?

25 A Yes.

1 Q So the Miguel that was in a blue hummer and Mike
2 Lopez.

3 A Yes.

4 Q What do you know about Mike Lopez?

5 A Nothing.

6 Q You have never heard of him before they mentioned
7 him that day?

8 A Yes, when that incident with Noe Flores took
9 place.

10 Q What does Mike Lopez have to do with Noe Flores?

11 A It's his half brother.

12 Q Okay. So he was another person you were looking
13 for?

14 A Mike Lopez. Yes.

15 Q Anybody else?

16 A The person that I just mentioned that was also
17 known as Mike. And it was that person that was at or
18 located at Cosmos.

19 Q Okay. Anybody else? Let me ask you this: Did
20 you-all have a list of people you were looking for?

21 A No, just the people that I have mentioned. Only
22 that.

23 Q How did you -- I'm sorry. How did you get your
24 targets? How did you find out who it was you were
25 supposed to look for next?

1 A They would tell Cardona. They will call him.

2 Q Who would call him?

3 A Miguel Trevino.

4 Q Okay. So you get orders to go find this Checo
5 person?

6 A Yes.

7 Q So and when you say we get orders who is we?

8 A First, we got orders to go after that person who
9 was at Cosmos, the one with the Hummer.

10 Q Okay.

11 A When we got there we were waiting for Cardona so
12 he could identify him.

13 Q Let me back up a second. Where were you when all
14 this happened?

15 A At the gas station that's right after Cheers.

16 Q Okay. Where were you-all -- I guess you said you
17 had originally gone to Cardona's house. Did you-all
18 stay at Cardona's house until you went to go look for
19 this Mike person?

20 A At that moment, no, we were a staying at hotels.
21 This happened after that incident with Resendez went
22 down, and we went to pick up a lot of money. It was
23 probably two days after that incident.

24 Q Okay. And were you only staying in hotels?

25 A Yes.

1 Q Okay. And when you were in Laredo where were
2 you-all staying?

3 A At that moment, they were thinking about getting a
4 house for us in Shiloh.

5 Q Who is "they" who were thinking of getting you a
6 house in Shiloh?

7 A The company.

8 Q Okay. And did they find you a house in Shiloh?

9 A Yes.

10 Q Do you remember what the house looked like?

11 A It had a garage in front. I don't know --
12 remember how to describe it.

13 Q Would you recognize it?

14 A Yes.

15 Q Let me show you what we introduced earlier as
16 Government's Exhibit Number 153. Do you recognize
17 that?

18 A Yes.

19 Q Okay. Do you happen to remember what the street
20 was or?

21 A Orange Blossom.

22 Q Okay. And what were you using the house at Orange
23 Blossom for?

24 A We were going to use it as a safe house.

25 Q Okay. What did you do in the safe house? How

1 would you prepare it or use it as a safe house?

2 A Not to tell anybody about that house.

3 Q Okay. Was there any furniture when you got to the
4 house?

5 A No.

6 Q Okay. Did you-all get any furniture?

7 A No.

8 Q Okay. Did you get anything for the house?

9 A No.

10 Q Did anybody else get anything for the house?

11 A Cardona had an inflatable mattress, only.

12 Q So this is the house that you would use or going
13 to use as a safe house?

14 A Yes.

15 Q How many times did you-all go to this house?

16 A I went about two times.

17 Q Okay. When you were going to this house or using
18 this house is there before you go to Cosmos or after
19 you go to Cosmos?

20 A After.

21 Q Okay. So then let's talk about Cosmos.

22 THE COURT: Why don't we instead let's
23 take a morning recess at this time before we begin with
24 that. Ladies and gentlemen, we will take about a 15 to
25 20 minute recess. And I do remind you not to discuss

1 this case amongst yourselves. You may step out.

2 CSO: Please rise for the jury.

3 THE COURT: Anything from council at this
4 time?

5 MR. MORENO: No, Your Honor.

6 THE COURT: All right. 15 to 20 minutes.

7 (Break.)

8 CSO: All rise.

9 THE COURT: Thank you. You may be
10 seated. Before we resume with the jury, I want address
11 with Mr. Jasso. Mr. Jasso, your lawyer had been here
12 all through the morning. I understood that he needed to
13 leave, and I do not see him here anymore. But he was
14 going to talk to you before he left to make sure that
15 you were okay continuing even if he was not here. First
16 of all, did he talk to you?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: All right. Okay. And do you
19 want to continue without him here?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Okay. All right. We will
22 continue. We will let the jury in, and we will continue.

23 CSO: Rise for the jury.

24 (The jury enters the courtroom.)

25 THE COURT: They are supposed to be

1 working again. Thank you. You may be seated. Mr.

2 Moreno, you may continue.

3 MR. MORENO: Thank you, Your Honor.

4 BY MR. MORENO:

5 Q We were going to talk about the operation at
6 Cosmos. First of all what is Cosmos?

7 A It's a nightclub in Laredo.

8 Q Do you remember more or less where it's located?

9 A Right there in -- right there behind the gas
10 station I was in.

11 Q Do you remember what the streets are when you get
12 to Cosmos?

13 A It's McPherson. No, I'm sorry. Wrong. I don't
14 think -- no, I don't remember.

15 Q Okay. So it's a nightclub?

16 A Yes.

17 Q Okay. And you don't know the streets. I guess
18 you know where it is?

19 A Yes.

20 Q Do you know what else is close to that?

21 A Tonic. It's the strip, the place is known as the
22 strip. Just clubs. That's where Sprint Mobile was.

23 Q Okay. Do you know if it close to the border
24 patrol office?

25 A Yes.

1 Q Okay. Where is it in comparison to the border
2 patrol?

3 A It's right there right after a McDonald's.
4 There's a store there -- where is the Target. It's
5 before getting there to Target and all that.

6 Q Okay. Let me ask you this: Who is involved in
7 the operation at Cosmos?

8 A Me, Cardona, Ramos, a kid I know as J.P.

9 Q I'm sorry. A kid you said?

10 A Yes.

11 Q Why do you say a kid?

12 A He was younger than me. He was like 16.

13 Q Okay. And who is J.P. or where does he come from?

14 A He's from Dallas. I don't know. Cardona knew
15 him.

16 Q Okay. And so it's the four of you?

17 A Yes.

18 Q Anybody else?

19 A No.

20 Q Okay. Let me show you what we introduced earlier
21 as Government Exhibit Number 1 -- I can't see.

22 Government Exhibit Number 186. Do you recognize that?

23 A It's J.P.

24 Q Okay. And this is the kid from Dallas you said?

25 A Yes.

1 Q And why was he with the three of you: Cardona,
2 Ramos, and you?

3 A He was going to be the driver. He was going to be
4 with me as a getaway driver.

5 Q Okay. And did he know what you-all were going to
6 do at Cosmos?

7 A Yes.

8 Q And what was the plan at Cosmos?

9 A Cardona and Ramos were just hanging around there
10 around Cosmos. They were going around looking for the
11 target. To be able to indicate where he's at and then
12 send me the word to say there he goes.

13 Q Okay. And because you mentioned a little while
14 ago, when you say target you're talking about the
15 person not the store?

16 A Yes.

17 Q Okay. And this -- which target is this person
18 that your talking about?

19 A I only know him as Mike in a blue Hummer.

20 Q At that time, do you know what he looks like?

21 A No.

22 Q You just know he's in a blue hummer?

23 A Yes.

24 Q And where is the blue hummer?

25 A Parked there in the strip parking lot.

1 Q Okay. And approximately what time is this when
2 you go to look for him at Cosmos?

3 A Probably like midnight something like that.

4 Q And so how many cars are you-all using?

5 A Two.

6 Q Who is with who?

7 A Ramos and Cardona are in the blue Ram truck.

8 Q Your group?

9 A Yes.

10 Q The one that you told us was used with Resendez?

11 A Yes.

12 Q Okay. And what are you in?

13 A In a white Grand Marquis.

14 Q Okay. You and who?

15 A J.P.

16 Q And so where do you all position yourself?

17 A We were parked there at a parking spot over there
18 at the gas station. At that moment, Enrique Garcia
19 showed up. And we stayed there chatting with him there
20 where the gas pumps are at. At that moment, they had
21 not called me yet to tell me that they had located this
22 person. So we were there for a while talking, and then
23 they called and said that the truck was leaving.

24 Q When you say truck?

25 A The Hummer the blue Hummer. And at that moment

1 then, J.P. and I took off to the car.

2 Q Your car?

3 A Yes. But suddenly then a policeman or a police
4 car stopped the blue Hummer. And they took the person
5 that was driving it.

6 Q Okay. So what happened next?

7 A And so we just considered that canceled on that
8 side.

9 Q When you say -- could you tell was there only one
10 person in the Hummer?

11 A No.

12 Q No.

13 A No, I wouldn't be able to tell you.

14 Q Okay. When you were all there at Cosmos how are
15 you all communicating?

16 A By radio.

17 Q Okay. Who is talking to who?

18 A I'm talking with Cardona.

19 Q Are you reporting to anybody else?

20 A No.

21 Q Okay. And when the police picked up the person
22 from the Hummer, what did you-all do next?

23 A We went to start looking for another person.

24 Another person also known as Mike. Mike Lopez.

25 Q Okay. And where was Mike Lopez?

1 A He was supposedly at Taco Palenque.

2 Q Okay. And how were you going to find Mike Lopez?

3 A Well Cardona and Ramos went there. And I went to
4 change vehicles. I swapped the Marquis for a red
5 Expedition. So then when we got to Taco Palenque, I
6 told Cardona, well, that it was too late already. That
7 I was going to go on to the other side to Eclipse. And
8 he says to me, no. No. Don't be a chicken. I said,
9 no, it's too late. And so we had a words. We argued.
10 And he took off to Juan Ramos's house. I left J.P. at
11 the neighborhood.

12 Q What neighborhood?

13 A El Azteca. And Cardona calls me again asking me
14 to come pick him up there at the house at Juan Ramos's
15 house. So I go pick him up, and we go to the other
16 side.

17 Q And why were you going to the other side?

18 A To the Eclipse. Just to the bar.

19 Q Just to go to the bar?

20 A Yes.

21 Q You weren't going to go do anyone else?

22 A I believe that night we went to speak with some
23 people that Cardona was supposed to be disciplining.

24 Q Do you know who these people were?

25 A It was El Guero and El Negro.

1 Q The same people you told us about before?

2 A Yes.

3 Q And why were they being disciplined?

4 MR. BALLI: Objection, calls for
5 speculation, Your Honor.

6 BY MR. MORENO:

7 Q Do you know why they were being disciplined?

8 A Because Cardona supposedly said that they weren't
9 reporting.

10 Q What does that mean that they're not reporting?

11 A That they weren't doing any of the jobs. They
12 were just taking the money that was paid to them each
13 week.

14 Q Okay. Who would pay them? Why were they getting
15 paid?

16 A The company was paying them for being hitmen.

17 Q So the company would pay all the sicarios?

18 A Yes.

19 Q Including you in your group?

20 A No, they never gave me a check but just to Cardona
21 and Jesus and the others.

22 Q How come you wouldn't get a check?

23 A I was only there for -- to do contract work for
24 the persons -- for those people that would want that
25 work?

1 Q So you participated in finding somebody or killing
2 somebody then you would get paid?

3 A Yes.

4 Q Otherwise, you weren't getting a weekly salary?

5 A No.

6 Q By the way, at Cosmos who was going to do the
7 killing?

8 A Me.

9 Q Okay. So you went over there to go discipline
10 somebody, and then you went to Eclipse?

11 A Yes.

12 Q So was that done? Did you-all go discipline
13 somebody?

14 A No. No. Just Cardona talked with him. Scared
15 him. That was it.

16 Q Okay. And then what?

17 A We stayed there at Eclipse, and then we came back
18 like really late like around 6:00 in the morning.

19 Q And where did you go when you came back at 6:00 in
20 the morning?

21 A We were staying at a hotel.

22 Q Okay. And what happened after that? What time
23 did you-all get up?

24 A I can't recall. No.

25 Q Okay. So. What was the next thing you-all did?

1 A After that, they told us to locate this -- the guy
2 known El Checo. They were going to give us some
3 weapons. No. No. I'm sorry. We already had the
4 weapons because these were the ones that we were going
5 to use for the incident -- what was going to happen at
6 Cosmos. So when they give us this order for El Checo,
7 we were already armed. And they begin to follow us.

8 Q Who?

9 A Well, the police.

10 Q Okay. So what happens when the police is chasing
11 you?

12 A When they were following us we get onto 35. And
13 we found a car that was following us, a white Ford
14 truck. And then I get off on Shiloh and where you make
15 the turn, the u-turn, I get on to the freeway. And I
16 step on it. And then I get off at Saunders. And from
17 there I head to Enrique's house to a trailer. And when
18 we get there, they open the gates for us. And we get
19 in with the truck. And then they close the gates, and
20 then we stayed there. Enrique turned off the lights.

21 Q So this is at night?

22 A Yes. And we thought at that point, well, we've
23 lost them. And then five or ten minutes later the
24 truck came by there very slowly.

25 Q That's the white truck?

1 A Yes. And we saw it. And then he says, well,
2 let's send somebody out to look, as a lookout. And
3 when they went they open the gate and that car is going
4 out that's when I decide to -- I say to Cardona get on
5 let's go. And that's where I take off, and we headed
6 to Nuevo Laredo.

7 Q So that night you did not go look for Checo?

8 A No.

9 Q So what happens next?

10 A We stayed in Nuevo Laredo for two or three days.
11 We went there, and we met up with Jesse on that side.

12 Q Which Jesse?

13 A Jesus Gonzalez. We went to a hotel that's over
14 there around Silverado, Rodeo over there in Nuevo
15 Laredo. Jesus Gonzalez was staying there, and we
16 rented another room. After that, I went to a house to
17 party. And Cardona stayed there with J.P.

18 Q Did you eventually all come back to Laredo?

19 A Yes, three days later.

20 Q Okay. And so what happens when you-all come back?

21 A When we returned -- well Cardona comes back on
22 foot. Cardona returned a day before I did. So Cardona
23 comes over and the following day I come back. I call
24 my wife asking her to come pick up the truck. And she
25 brings me the white Marquis. And she leaves in the

1 blue truck.

2 Q You go meet Cardona?

3 A That day Cardona -- he had already come over at
4 that point where I changed cars.

5 Q So do you go meet him?

6 A Yes, when I crossed over -- before I crossed over
7 I called Cardona. I crossed on foot. I had left the
8 car. I left the car parked there in downtown Nuevo
9 Laredo. And when I cross over to come over to the
10 other side I call him to tell him I'm crossing. And so
11 he said that he would wait for me there at the Plaza,
12 the San Augustine Plaza. And that's where we met up
13 and that's where he picks me up with Robert Camacho and
14 Juan Ramos.

15 Q The same Robert Camacho you had mention before?

16 A Yes, in a Tahoe that belonged to Juan Ramos.

17 Q Okay. And where do you all go?

18 A From there, I went to my house and pick up the red
19 Expedition. And after that we separate. No. Wait.
20 We went to see the house that we were supposed to be
21 renting.

22 Q The one in exhibit -- what was that? The one I
23 showed you a little while ago. This one? Government
24 Exhibit 153?

25 A Yes.

1 Q Okay. You went to go see the house?

2 A Yes. Yes. And I went home to take a bath. After
3 that, we split up. I went to stay at hotel with a
4 girl. And we didn't meet up until the next day at that
5 house.

6 Q Who saw each other at that house?

7 A It was myself, Juan Ramos, Gabriel Cardona, J.P.,
8 and somebody known as Juan Valdez.

9 Q Okay. And so what happened when you-all were at
10 the house?

11 A After I showed up, about half an hour later we
12 were arrested.

13 Q How were you arrested?

14 A The swat and the sheriff came upon us.

15 Q There at the house?

16 A Yes.

17 Q So whose arrested?

18 A Myself, Cardona, Juan Ramos, Juan Valdez, and J.P.

19 Q Okay. What happened to you after you got
20 arrested?

21 A We go to PD for the interviews, and they charge us
22 with Resendez's murder. And from there, we went to
23 Webb County Jail, me and Gabriel Cardona only. Juan
24 Ramos was taken with us, but he had other charges.

25 Q Okay. What happened to J.P.?

1 A J.P. was let go.

2 Q Okay. Eventually were you transferred to San
3 Antonio?

4 A Yes.

5 Q Why were you transferred to San Antonio?

6 A Because of the indictment I had pending there for
7 the transport of cocaine.

8 Q The one you called the sealed indictment before
9 you said that you had?

10 A Yes.

11 Q Okay. And so did you in fact get prosecuted for
12 that sealed indictment in San Antonio?

13 A Yes.

14 Q Did you go to trial or did you plead guilty?

15 A Plead guilty.

16 Q Okay. And what did you get for the -- what did
17 you plead guilty to?

18 A Conspiracy of possession.

19 Q Conspiracy to possession with intent to distribute
20 drugs?

21 A Yes.

22 Q What did you get for that?

23 A 135 months.

24 Q So 135 months?

25 A Yes. 11 years and 3 months.

1 Q All right. And what happened to your charges
2 involving the murder of Mariano and Jesus Resendez?

3 A I was given 12 years.

4 Q Okay. So after the San Antonio -- after you plead
5 and they brought you back down here?

6 A When I was give the federal sentence I was brought
7 back.

8 Q Looking at your judgment here from San Antonio,
9 it's signed the 8th of November of 2006. Does that
10 sound right? Is that when you were convicted?

11 A Yes.

12 Q And by the way, did you get interviewed by the
13 police up in San Antonio while you were there?

14 A Yes.

15 Q Do you remember who went to go interview you?

16 A Robert Garcia and Adan. I don't remember his
17 complete name.

18 Q Okay. And then you also pled guilty here or did
19 you go to trial for the Resendez murder?

20 A I pleaded guilty.

21 Q Okay. And what did you get for the murders here?

22 A Twelve years.

23 Q Okay. And I'm looking at your judgment here.
24 This is December 4th of 2006?

25 A Yes.

1 Q Does that sound right?

2 A Yes.

3 Q So for the murders you got 12 years?

4 A Yes.

5 THE COURT: And to clarify, those were in
6 state court?

7 MR. MORENO: In state court.

8 BY MR. MORENO:

9 Q And then after that is when you got indicted in
10 this case?

11 A Yes.

12 Q In February of 2008?

13 A I don't know. I don't remember when, but I was
14 brought over in March of 2008.

15 Q Okay. And then in August of 2008, you pled guilty
16 in this case?

17 A Yes.

18 Q Okay. And you pled guilty to the conspiracy to
19 kill and kidnap somebody in a foreign country?

20 A Yes.

21 Q Involving the kidnapping and eventual death of or
22 killing of Inez and Poncho that you talked about?

23 A Yes.

24 Q And for that charge have you been sentenced?

25 A No.

1 Q That's still pending?

2 A Yes.

3 Q And do you know how much time you're facing on
4 that charge?

5 A Thirty to life.

6 Q Okay. And you -- you pled guilty to that?

7 A Yes.

8 Q Okay. And you signed a plea agreement as part of
9 that plea?

10 A Yes.

11 Q Okay. And as part of that plea agreement there's
12 a provision in your plea agreement that allows you if
13 you want to cooperate?

14 A Yes.

15 Q And did you agree to cooperate?

16 A Yes.

17 Q Originally, even before you got indicted here, had
18 you agreed to cooperate with the state?

19 A Yes.

20 Q In fact, you were a witness who testified for the
21 state even before you got indicted?

22 A Yes.

23 Q Who did you go testify against?

24 A It never went to trial. I didn't go. There was
25 just a document stating that if they were to arrest

1 somebody, I would go testify.

2 Q Were you one of the people that was supposed to go
3 testify against Rosalio Reta before he pled?

4 A Only when there were federal charges against
5 Moises Garcia. No. No. No. When I had these federal
6 charges, they were going to call me to the state to
7 give testimony in the case of Moises Garcia.

8 Q Okay. So after you were indicted in federal
9 court, they were going to take you as a witness in
10 state court during the prosecution for the murder of
11 Moises Garcia?

12 A Yes.

13 Q And who were the defendants in that murder?

14 A Rosalio Reta.

15 Q Now as part of your plea agreement, like I said,
16 there's a provision for your cooperation, correct?

17 A Yes.

18 Q And you understand that as part of that provision
19 that that's a request that only the government can make
20 to the court?

21 A Yes.

22 Q And you understand that that's not a guarantee?

23 A Yes.

24 Q And that even if we make a recommendation that
25 only the court can decide if they give you a reduction?

1 A Yes.

2 Q And that has not happened because your sentence
3 hasn't happened?

4 A Yes.

5 Q Just a couple of other questions: Do you know who
6 this is?

7 A El Viejon.

8 Q How do you know him?

9 A Hum?

10 Q How do you know him?

11 A One time when Cardona went out because of Bruno.

12 Q When you say went out what are you talking about?

13 A When he was taken out when Bruno was killed. And
14 I went to talk with him at the Jack-in-the-Box on
15 Saunders.

16 Q What did El Viejon do?

17 A He was the one in charge of the group hitmen that
18 they had at that time here in Laredo, Texas.

19 Q And what did he do as being in charge of the hit
20 squad?

21 A As far as I understood, it was just to give
22 orders. And that's it.

23 Q Okay. Do you know who this is?

24 A David Martinez.

25 Q And how do you know him?

1 A Well over there where I'm at now, he's also
2 incarcerated.

3 Q When you were working with Cardona and them or
4 when you met El Viejon, had you ever met him?

5 A Once. Only by sight.

6 Q How about this fellow? Government Exhibit Number
7 170?

8 A Pablo.

9 Q How do you know him?

10 A From the neighborhood.

11 Q Okay. The Azteca?

12 A Yes.

13 Q Now aside from your conviction for the drug
14 trafficking conspiracy in San Antonio and the murder
15 conviction for the double homicide in the county and
16 now this one for this indictment, do you have any other
17 convictions?

18 A No.

19 Q Now you mentioned a couple of times that you were
20 out partying I think you said?

21 A Yes.

22 Q What did do you when you were out partying?

23 A We go to clubs and for women and drink.

24 Q Did you use any drugs?

25 A Yes.

1 Q What kind of drugs?

2 A Cocaine and Rohypnol.

3 Q Okay. Now on the night when you were working to
4 do the -- try to do the hit at Cosmos were you using
5 drugs that night?

6 A No.

7 Q The night that you were together at the house when
8 you were going to go out to do Checo were you using
9 drugs that night?

10 A No.

11 Q The night when you and Cachetes and the others?

12 MR. BALLI: Objection, leading, Your
13 Honor.

14 THE COURT: Overruled.

15 BY MR. MORENO:

16 Q The night that you and Cachetes were out working
17 on the Resendez murder were you using drugs?

18 A Yes.

19 Q Okay. What drugs did you use that day?

20 A Cocaine.

21 Q Okay. Approximately when in the day?

22 A Towards the evening, about an hour before that
23 thing happened with Resendez.

24 Q Okay. So is it fair to say that you were under
25 the influence of cocaine when you went out to do the

1 murders?

2 A Yes.

3 Q Did you do any more cocaine after when you left to
4 go across?

5 A Yes.

6 Q Are you addicted to cocaine?

7 A I don't know what to tell you because I don't know
8 what you consider addiction, but I don't consider
9 myself as an addict.

10 Q Do you have to use it all the time or are there
11 periods when you don't use cocaine?

12 MR. BALLI: Objection, leading.

13 THE COURT: Overruled.

14 THE WITNESS: Just when we party. That's
15 when I take it.

16 MR. MORENO: May I have a moment, Your
17 Honor?

18 THE COURT: You may.

19 MR. MORENO: We pass the witness, Your
20 Honor.

21 THE COURT: Mr. Balli, you may proceed.

22 CROSS EXAMINATION

23 BY MR. BALLI:

24 Q Mr. Jasso, you have given several interviews to
25 the government, correct?

1 A Yes.

2 Q And you have been interviewed by government in
3 preparation for your trial here, correct?

4 A Yes.

5 Q I want to go over some of your past conduct with
6 you and see if you'll agree with me. On November 24,
7 2005, that Thanksgiving incident as it was referred to,
8 you snuck out of a patrol car, correct?

9 A Yes.

10 Q You escaped from a patrol car?

11 A Yes.

12 Q And that was with the help of your wife Aurora Del
13 Bosque, correct?

14 A Yes.

15 Q And then you took off and you went to Nuevo
16 Laredo, correct?

17 A Yes.

18 Q And then on in December of 2005 when the Torta-Mex
19 murders happened, you helped the murderers get away,
20 correct?

21 A You could consider it that way. Yes.

22 Q You sent your wife Aurora Del Bosque to pick up
23 the murderers, correct?

24 A Yes.

25 Q So they could escape detection from the police,

1 correct?

2 A At that moment, I was not aware of the -- that
3 those things had taken place.

4 Q And when you found out you had a sealed indictment
5 out of San Antonio you decided to hide out in Nuevo
6 Laredo and Monterrey, correct?

7 A Yes.

8 Q And the night that you went to Nuevo Laredo after
9 the Cosmos attempt, you thought you were being followed
10 by the police, correct?

11 A No, that was after Cosmos.

12 Q And you attempted to evade the police, correct?

13 A When they were following me, yes.

14 Q And then you hid in a house? And then eventually
15 hid in Nuevo Laredo again, correct?

16 A Yes.

17 Q And all of these things that we're talking about
18 you did so that you could stay out of a jail, correct?

19 A Yes.

20 Q And when you helped kidnap and kill Poncho and
21 Inez you got away with it for while, didn't you?

22 A Yes.

23 Q Until you were indicted here, correct?

24 A Yes.

25 Q Aurora Del Bosque is your wife, correct?

1 A Yes.

2 Q How many children do you have?

3 A Three.

4 Q All with Aurora Del Bosque?

5 A Yes.

6 Q And it's important to you that Aurora Del Bosque
7 stay out of jail so that she can take care of your
8 kids, correct?

9 A Yes.

10 MR. BALLI: Your Honor, permission to
11 approach?

12 THE COURT: For what purpose?

13 MR. BALLI: The elmo.

14 THE COURT: You may.

15 MR. BALLI: I'm going to introduce some
16 exhibits, Your Honor. Your Honor, at this time, I'm
17 going to move to introduce Defendant's 1, Defendant's 2,
18 Defendant's 14, and Defendant's 27 and 29.

19 MR. MORENO: I don't have any objection,
20 Your Honor, but I would like at least the witness to
21 identify them before we admit them.

22 THE COURT: Can you have the witness
23 identify them please, and then we'll--.

24 MR. BALLI: Yes, Your Honor. Permission
25 to approach?

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1 THE COURT: You may.

2 BY MR. BALLI:

3 Q I'm showing you Defendant's Exhibit Number 14 and
4 Defendant's Number 27. Do you recognize this document?

5 A Yes.

6 Q Okay. And Defendant's Exhibit Number 14 is your
7 plea agreement in this case, correct?

8 A Yes.

9 Q And Defendant's Number 27 is a factual statement
10 that you made supporting this plea, correct?

11 A Yes.

12 Q And Defendant's Number 29 is an indictment against
13 you from state court, correct?

14 A Yes.

15 Q And Defendant's Number 1 is a judgment and
16 conviction against you from state court?

17 A Yes.

18 Q From the same case?

19 A Yes.

20 Q And then Defendant's Number 2, is your plea packet
21 from state court in the same case?

22 A Yes.

23 MR. BALLI: Your Honor, at this time, I
24 move to introduce all of those exhibits.

25 MR. MORENO: No objection.

1 THE COURT: They're admitted.

2 (Defendant's Exhibits 1, 2, 14, 27, and 29,
3 admitted.)

4 BY MR. BALLI:

5 Q Mr. Jasso, on April 11, 2006, the Laredo Police
6 Department arrested you, correct?

7 A Yes.

8 Q They arrested you for the murder of Jesus and
9 Mariano Resendez, correct?

10 A Yes.

11 Q Isn't it true that on April 11, 2006, you gave a
12 statement to the police?

13 A Yes.

14 Q And isn't it true that in that statement to the
15 police, which was recorded, you told the police that
16 you were the Alcon in the Resendez murders?

17 A Yes.

18 Q And you told the police that you never went to
19 Pepe's house.

20 MR. MORENO: I'm sorry, Your Honor, can
21 we get a translation for the Alcon.

22 THE INTERPRETER: El Alcon would be the
23 Falcon.

24 BY MR. BALLI:

25 Q When you say Alcon -- when you say Alcon, do you

1 mean a lookout, correct?

2 A Yes.

3 Q And you said that you were never at Pepe's house,
4 correct?

5 A I don't recall. I don't recall if I said it, but
6 if it's been taped then I probably did say it.

7 Q Will if I showed you a copy of a transcript of
8 what you said would that refresh your memory?

9 A Probably. Yes.

10 MR. BALLI: Permission to approach the
11 witness, Your Honor?

12 THE COURT: You may.

13 MR. MORENO: If I can just get a page.

14 MR. BALLI: I'm asking him to read
15 starting from the bottom of Page 7.

16 THE COURT: First can you identify that's
17 the transcript of the interview held on April 11th; is
18 that correct?

19 MR. BALLI: That's correct, Your Honor.

20 THE COURT: Okay. And then what page are
21 you on?

22 MR. BALLI: Seven.

23 THE COURT: And just read that to
24 yourself, Mr. Jasso.

25 MR. MORENO: And, I'm sorry. What is it

1 were recollecting? What's the question?

2 THE COURT: I believe it was whether he
3 had told the police at that time that he had never gone
4 to Pepe Martinez's house. Was there a particular
5 section that you were pointing out to him, Mr. Balli, or
6 did you want him to review the entire transcript?

7 BY MR. BALLI:

8 Q I'll ask the question now, I guess, Your Honor.

9 THE COURT: I'm asking you. I mean if --
10 he's welcome to if you want to review the entire thing,
11 Mr. Jasso, you can. But I'm trying to find out from
12 you, Mr. Balli, whether you are asking him to review the
13 entire transcript or a particular section?

14 MR. BALLI: He can look at the whole
15 thing because they are just some parts--.

16 THE COURT: What were you asking him to
17 do?

18 MR. BALLI: To look at Page 7 and
19 probably the next three or four pages thereafter. But
20 there are other sections that reference that as well and
21 that he can look at.

22 THE COURT: Okay. I don't want him to
23 stop him from reviewing what he feels he needs to
24 review.

25 THE WITNESS: I did say I did go there.

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1 BY MR. BALLI:

2 Q You said you did go where?

3 A To the house of Pepe Martinez.

4 Q Okay. So you're saying now that you did not say
5 that your job was to be an Alcon?

6 A No, I said I was an Alcon in that statement.

7 Q Okay. So you said you were an Alcon?

8 A Yes.

9 Q Okay. And isn't it true that you said that you
10 were going to be at a Shell gasoline station. That
11 while the murder occurred, you were at a Shell gasoline
12 station at the Zapata Highway watching the whole thing
13 happen?

14 A I don't remember if I said that.

15 Q Okay. If I showed you your statement would that
16 refresh your memory?

17 A Possibly. Yes.

18 MR. BALLI: I'm sorry, Your Honor.

19 Permission to approach?

20 THE COURT: You may approach.

21 THE WITNESS: Yes.

22 BY MR. BALLI:

23 Q Yes, you told the police that you were -- that you
24 watched the shootings from the Shell gas station,
25 correct?

1 A Yes.

2 Q And the Shell gas station that you were referring
3 to is the Shell gas station that's on the Zapata
4 Highway by the Jack-in-the-Box, correct?

5 A Yes.

6 Q And that Shell gas station is close -- very close
7 to where that shooting occurred, correct?

8 A Yes.

9 Q Like across the street, correct?

10 A No.

11 Q Well?

12 A Several blocks.

13 Q Well across the street -- about a block away and
14 across the street, correct?

15 A Yes.

16 Q And you told the police that you were not in the
17 vehicle where the shooters were, correct?

18 A Yes.

19 Q And isn't it true that after you gave that
20 statement, you were eventually arrested for murder?

21 A Yes.

22 Q And at that point when you were arrested, your
23 wife Aurora del Bosque was not arrested in connection
24 with any of the incidents that we've discussed here in
25 court?

1 MR. MORENO: I'm sorry. Can we just
2 clarify by whom?

3 MR. BALLI: By anyone.

4 THE WITNESS: Yes.

5 BY MR. BALLI:

6 Q For the next few months at least?

7 A Yes.

8 Q And isn't it true that you got indicted in state
9 court along with Gabriel Cardona, with Pepe, for the
10 murder of the Resendezes?

11 A Yes.

12 MR. BALLI: Your Honor, permission to
13 approach the elmo?

14 THE COURT: You may.

15 MR. BALLI: As a matter of fact, you were
16 charged in this, which is Defendant's Exhibit Number 29,
17 this four-count indictment. And right there we can see
18 at least part of it. We can see count one, correct?

19 A Yes.

20 Q And in Count One it's yourself, Gabriel Cardona,
21 and Jose G. Martinez indicted for the murder of Jesus
22 Resendez, correct?

23 A Yes.

24 Q And then in Count Two Gabriel Cardona, yourself,
25 and Jose G. Martinez are indicted for the murder of

1 Mariano Resendez.

2 A Yes.

3 Q And in Count Three also the three of you: Gabriel
4 Cardona, and yourself, Jose G. Martinez were indicted
5 for engaging in organized criminal activity?

6 A Yes.

7 Q And on Count Four the same three, Gabriel Cardona,
8 yourself, and Jose G. Martinez were also engaged in
9 another count of engaging in organized criminal
10 activity, correct?

11 A Yes.

12 Q And Aurora del Bosque was not named in that
13 indictment, correct?

14 A Yes.

15 Q And you would agree with me that that indictment
16 came out sometime in September, correct, of the same
17 year?

18 A Whose?

19 Q The indictment against you. This indictment that
20 we're talking about?

21 A Yes.

22 Q And when this indictment came out you were still
23 in federal custody, correct?

24 A Yes.

25 Q Isn't it true that in late October of 2006, your

1 wife Aurora Del Bosque was charged by the state and
2 arrested for murder involving the Resendez murder and
3 the Moises Garcia murder and a third murder?

4 A Yes.

5 Q And that when Aurora Del Bosque was arrested, you
6 decided that you could make a deal with the state in
7 your state, correct?

8 A Yes.

9 Q And that it was your understanding that if you
10 pled guilty in state court to murder, the state would
11 drop the charges against Aurora or not prosecute her,
12 correct?

13 A Yes.

14 Q And even though they didn't put that into writing,
15 it was understood by everybody that that was the deal?

16 A Yes.

17 Q Because Jesse Guillen, the prosecutor, had given
18 his word that that's what he would do?

19 A Yes.

20 Q And even though it wasn't in writing, you had to
21 trust that Jesse Guillen's word was good?

22 A Yes.

23 Q And it turns out his word was good, correct?

24 A Yes.

25 Q And isn't it true that part of the deal that you

1 made with the state was that you were going to get a
2 12-year sentence?

3 A Yes.

4 Q On the Resendez murderers?

5 A Yes.

6 MR. BALLI: Permission to approach the
7 elmo, Your Honor?

8 THE COURT: You may.

9 BY MR. BALLI:

10 Q And as a matter of fact, I'm showing you what's
11 been marked as Defendant's Exhibit Number Two. This is
12 your plea packet in the case, correct?

13 A Yes.

14 Q And your understanding of what a plea packet is is
15 that you make an agreement with the state?

16 A Yes.

17 Q And--.

18 THE COURT: Yes, the answer is not being
19 translated simple though they are.

20 THE INTERPRETER: I'm sorry, Your Honor.

21 BY MR. BALLI:

22 Q You make an agreement with the state and in this
23 particular case you made an agreement with the state
24 that was binding on the judge, correct?

25 A Yes.

1 Q In other words, the judge could accept it or the
2 judge could reject it, but the judge could not give you
3 a higher sentence, only a lower sentence, correct?

4 A Yes.

5 Q And as a matter of fact, in this agreement, you
6 agreed to plead guilty to Counts One and Two, true?

7 A Yes.

8 Q And can you -- write there in the screen if you
9 touch the screen, you can actually circle things. I'd
10 like you to circle where it says Counts One and Two.

11 A (Witness complied.)

12 Q You're pleading guilty to Counts One and Two, and
13 you see the part in the plea packet that says how much
14 time you're going to spend in jail.

15 A Yes.

16 Q Could you circle that, please.

17 A (Witness complied.)

18 Q And how much time is that?

19 A Twelve.

20 Q Twelve years, correct?

21 A Yes.

22 Q Now down below there's some other things in
23 writing which were very important to you, correct? For
24 example, credit for time served, correct?

25 A Yes.

1 Q So you you're given time -- credit for the time
2 you've been in jail?

3 A Correct.

4 Q Which at that time was already since April the
5 11th?

6 A Yes.

7 Q And you also a very important feature of this are
8 the things below. And can you circle this whole area
9 where you see handwriting.

10 A (The witness complied.)

11 Q That whole area right there. Okay. The first one
12 is you get credit for time served, correct?

13 A Yes.

14 Q The second one is that your sentence is to run
15 concurrent with the sentence in a case out of the
16 United States District Court SA-06-CR-050 (2-XR),
17 correct?

18 A Yes.

19 Q And then finally that Counts Three and Four of the
20 state indictment that we just saw were dismissed
21 against you, correct?

22 A Yes.

23 Q Now when you made this deal, this was a fabulous
24 deal for you, wasn't it? Or at least you thought at
25 that moment that it was a fabulous deal for you?

1 A Yes.

2 Q Okay. For several reasons: See if you agree with
3 me. One, because Aurora Del Bosque wasn't going to be
4 prosecuted?

5 A Yes.

6 Q Second, because those 12 years that you were going
7 to do were going to run concurrent with the federal
8 time that you were doing anyway?

9 A Yes.

10 Q And would you remind the ladies and gentlemen of
11 the jury how much time were you going to do in that San
12 Antonio drug case?

13 A Eleven years and three months.

14 Q So you were going to do 11 years and three months
15 in your federal case, and while you were doing those --
16 you're understanding is that while you were doing those
17 11 years and three months, you were going to be getting
18 credit for your state case?

19 A Yes, but it didn't happen that way.

20 Q Okay. But your understanding at the time was that
21 that's the way it was going to happen?

22 A Yes.

23 Q And you said or you thought that you might even on
24 your state case be out on parole by the time you
25 finished your federal case or eligible a -- you'd be

1 ready for parole?

2 A Yes.

3 Q So by the time you finished your federal time,
4 your state time would be over, correct?

5 A Yes.

6 Q So basically even though you were not pleading
7 guilty -- even though you were pleading guilty to the
8 murder, you weren't going to be doing any extra time
9 more than you were going to do for your federal case,
10 correct?

11 A Yes.

12 Q Now there's something else in this provision.

13 MR. BALLI: Permission to approach again?

14 THE COURT: You may.

15 BY MR. BALLI:

16 Q It says here that you would testify in this case
17 against your co-defendant or you would testify in the
18 case. It does say against who, but it says that you
19 would testify, correct?

20 A I had signed this agreement before. Before they
21 included that. That was included after I went and
22 plead guilty before the court.

23 Q So it wasn't part of your agreement?

24 A Not when I signed it.

25 Q And so when did they put that in? When you

1 were -- did you find out about it when you were already
2 in front of the judge?

3 A Yes.

4 Q Okay. Because the way that the agreement worked
5 or the mechanics of the agreement are you sat with
6 someone, your lawyer, it was explained to you, correct?

7 A Yes, but it never mentioned testifying.

8 THE COURT: Let me stop you for a second.

9 And none of the questions that Mr. Balli is asking you
10 are intended to ask you about communications you had
11 with your lawyer. So in other words, you shouldn't be
12 telling us what you and your lawyer talked about. If he
13 asks a question like that, and I say that you can answer
14 it, then that's a different thing. But when he's just
15 asking questions, don't tell us what you and your lawyer
16 may have talked about.

17 THE WITNESS: Okay.

18 THE COURT: All right.

19 BY MR. BALLI:

20 Q And that's not what I want from you. I just want
21 to go over the mechanics of how this happened. By
22 mechanics, I mean, how it's signed. How it's prepared.
23 What's the process.

24 A Okay.

25 Q So the ladies and gentlemen of the jury can

1 understand.

2 A Okay.

3 Q Your lawyer and you would sit down and have it
4 explained, correct?

5 A Yes.

6 Q And if you're in agreement with everything, it was
7 signed?

8 A Yes.

9 Q Which happened in this case except for you say
10 there was one part that you had not agreed to when you
11 signed it?

12 A Yes.

13 Q And that part is the part that says that you would
14 testify?

15 A Yes.

16 Q And what I'm asking you is was that part written
17 in at the time you were standing in front of the judge?

18 A They wrote it in front of me.

19 Q At the time that you were already before the
20 judge?

21 A Yes.

22 Q Okay. Because this document later on you were
23 brought before the judge, correct?

24 A Yes.

25 Q And the document was given to the judge?

1 A Yes.

2 Q And the judge gave you explanations about the law
3 and about the facts of the case to make sure you
4 understood what you were doing, correct?

5 A Yes.

6 Q And the judge wanted to make sure that you
7 understood that you were -- what were getting into when
8 you were pleading guilty, correct?

9 A Yes.

10 Q So when that part was added, did the judge -- the
11 judge must have given you some explanations related to
12 that, correct?

13 A Yes.

14 Q Okay. And was your understanding -- on that same
15 day after you entered the plea were you sentenced or
16 were you sentenced later?

17 A At that moment.

18 Q That's right. It was at that moment. And so on
19 that day, the judge gave you your 12-year sentence,
20 correct?

21 A Yes.

22 Q And the judge accepted everything that was in the
23 plea agreement, correct?

24 A Yes.

25 MR. BALLI: Permission to approach the

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1 elmo again?

2 THE COURT: You may.

3 BY MR. BALLI:

4 Q And then -- and then this judgment was signed
5 based on your plea of guilty, correct?

6 A Yes.

7 Q And you were facing 5 to 99 years on each count or
8 up to life in prison, correct?

9 A Yes.

10 Q On all four of those charges, correct?

11 A Yes.

12 Q And Aurora del Bosque on the murder charges was
13 also facing 5 to 99 years or life in prison, correct?

14 A Yes.

15 Q Now it was your understanding that even though the
16 plea said that you had to testify against others
17 because you had already been sentenced to 12 years the
18 state couldn't force you to testify, could they?

19 MR. MORENO: I'm sorry, Your Honor, I
20 believe that's a misstatement of the law.

21 MR. BALLI: It's not.

22 THE COURT: Let me see counsel at the
23 bench.

24 (At sidebar.)

25 THE COURT: I have to claim ignorance in

1 this regard. You're saying that he's already been
2 sentenced--?

3 MR. BALLI: He's already been sentenced
4 so they can't. Well, they can't -- they can't force him
5 to testify.

6 THE COURT: That's what you asked.

7 MR. BALLI: But I guess I will clarify
8 that. I will say his sentence cannot be changed.

9 THE COURT: Well that's not what you
10 asked him. That's a different question.

11 MR. MORENO: That's not what you asked.

12 THE COURT: Yeah, that's not what you
13 asked him.

14 MR. BALLI: Okay.

15 THE COURT: Do you have an objection then
16 to the form of question because of misstatement of the
17 law?

18 MR. MORENO: Yes.

19 THE COURT: Okay.

20 (End of sidebar.)

21 THE COURT: The objection is sustained.
22 Rephrase your question, Mr. Balli.

23 BY MR. BALLI:

24 Q Because the judge had already given you 12
25 years -- you had been sentenced. Your sentence could

1 no longer be changed whether or not you decided to
2 testify or not, correct?

3 A I wouldn't know what to say.

4 MR. BALLI: Permission to approach the
5 elmo again?

6 THE COURT: You may.

7 BY MR. BALLI:

8 Q Let me show you what's been marked as Defendant's
9 Number 14. This is your plea agreement with the
10 government of the United States, correct?

11 A Yes.

12 MR. MORENO: Judge, again just to clarify
13 because he does have one in San Antonio and one here.
14 Which one is he talking about?

15 THE COURT: The one that pertains to this
16 case.

17 BY MR. BALLI:

18 Q This is the one that pertains to this case,
19 correct?

20 A Yes.

21 Q And this is your signature on it, correct?

22 A Yes.

23 Q And this is the signature of Mr. Moreno and of
24 your attorney Mr. Tellez, correct?

25 A Yes.

1 Q And in this agreement, the government agreed to do
2 certain things for you, correct?

3 A Yes.

4 Q And you agreed to do certain things as part of
5 your agreement, correct?

6 A Yes.

7 Q And in Paragraph 12 of the plea agreement shows
8 the things that the government agreed to do for you,
9 correct?

10 A Yes.

11 Q And in 12A it says that you would plead guilty to
12 Count 32 and the government would move to dismiss
13 remaining counts. Do you see where it says that?

14 A Yes.

15 Q Can you circle that please.

16 A (The witness complied.)

17 Q Where it says dismiss. Dismiss remaining counts.

18 A (Witness complied.)

19 Q Now the remaining Counts are 11 Counts that the
20 government dropped, agreed to drop, correct?

21 A Yes.

22 Q At the time of your sentencing, correct?

23 A Yes.

24 Q And you have not been sentenced yet, have you?

25 A No.

1 Q And when you do get sentenced, the government
2 according to your agreement if you live up to your end
3 of the agreement, the government is supposed to drop a
4 drug conspiracy count against you, correct? That's
5 Count One of the indictment.

6 A Yes.

7 Q Okay. And that drug conspiracy count carries a
8 maximum life sentence, correct?

9 A I don't recall how much it has.

10 Q And the government agreed to drop a money
11 laundering count against you, correct?

12 A Yes.

13 Q And they agreed to drop five ITAR charges or
14 international racketeering charges, correct?

15 A Yes.

16 Q And those carry life sentences, correct?

17 A Yes.

18 Q They agreed to drop two firearms charges that
19 involve violence and drug trafficking that had maximum
20 life sentences, correct?

21 A Yes.

22 Q And they agreed to drop two charges of using a
23 juvenile to commit a violent crime, correct?

24 A Yes.

25 Q And so that is a very good part of your agreement

1 with the government, correct?

2 A Yes.

3 Q Now despite the fact that you have worked out some
4 deals that have been very great, you are still facing
5 one life sentence, are you not?

6 A Yes.

7 Q And you understand that in federal court or in
8 federal cases there's something called the federal
9 sentencing guidelines, correct?

10 A Yes.

11 Q And under those federal sentencing guidelines, a
12 report is going to be prepared, and you will be given a
13 score in the guidelines, correct?

14 A Yes.

15 Q And you understand that your score that is going
16 to end up being a score of life in prison, don't you?

17 A Yes.

18 Q However, there is a way that you can get out of
19 that life sentence, correct?

20 A Yes.

21 Q Okay. And a way that you can get out of that life
22 sentence is through something called 5-K.

23 A It's a possibility.

24 Q It's a possibility.

25 MR. BALLI: Permission to approach the

1 elmo, Your Honor?

2 THE COURT: You may.

3 BY MR. BALLI:

4 Q Paragraph 7 of your plea agreement in this case
5 which is Defense Exhibit Number 14 is right there on
6 the screen; do you see it?

7 A Yes.

8 Q Okay. Would you circle where it talks about 5-K?

9 A (Witness complied.)

10 Q And what this paragraph means to you and the way
11 that you understand this paragraph is that if you
12 cooperate with the government, that the government can
13 make a recommendation for the government -- for you,
14 I'm sorry -- for you to receive a score that is below
15 the sentencing guidelines?

16 A Yes.

17 Q Meaning that they could recommend that you get a
18 sentence that has a number in it instead of four
19 letters in it, correct?

20 A Yes.

21 Q And by four letters you know that I mean life?

22 A Yes.

23 Q So you would like a sentence with a number,
24 correct?

25 A Yes.

1 Q Because you would like to get out of prison one
2 day, correct?

3 A Yes.

4 Q And right. Now you see your only hope of getting
5 a sentence with a number in it as 5-K, don't you?

6 THE COURT: Let me clarify something
7 before, Mr. Balli, just so the jury is not left with the
8 wrong impression. As you have heard many times, ladies
9 and gentlemen, the court determines what the sentence
10 will be. You have heard referencing to the sentencing
11 guidelines. They are guidelines that the court must
12 consider, but the court is not bound by those
13 guidelines.

14 In a case where there is no statutory minimum,
15 by that what I mean is in a case where there is no
16 requirement under the law that a defendant be sentenced
17 to a minimum of any particular term although it may
18 carry a maximum of life, the court determines what the
19 sentence will be, which will be anything from no time
20 all the way up to life. And in this case, there is the
21 possibility of life. The court has to consider the
22 guidelines, which may ultimately in this case be a life
23 guideline range. But it is the court that determines
24 what the sentence will be.

25 You may continue, Mr. Balli.

1 BY MR. BALLI:

2 Q You know what Gabriel Cardona got sentenced to in
3 this case, don't you?

4 A Yes.

5 Q And what did he get sentenced to?

6 A Life.

7 Q And it's in this same case, correct?

8 A Yes.

9 Q And he pled guilty in this case like you did,
10 correct?

11 A Yes.

12 Q And based on that, you really don't think you have
13 a chance of getting anything other than life unless you
14 use 5-K do you?

15 A Yes.

16 Q And your understanding is that the only person --
17 well only the government of the United States can
18 recommend 5-K?

19 A Yes.

20 Q The United States State's Attorneys Office?

21 A Yes.

22 Q And the person you have been deal dealing with is
23 Mr. Moreno at the United States Attorney's Office,
24 correct?

25 A Yes.

1 Q And you understand that this is the first trial
2 related to this particular indictment, correct?

3 A Yes.

4 Q And you understand that they're are many other
5 individuals who have not been arrested in connection
6 with this indictment, correct?

7 A Yes.

8 Q And you understand that you may have an
9 opportunity to testify at more trials, don't you?

10 A Yes.

11 Q And that right now by testifying in this trial
12 your relationship with the United States government may
13 just be at the beginning, correct?

14 A Yes.

15 Q And that if you can establish a long-term
16 relationship with the government of assisting them in
17 other trials, that you could have a better 5-K
18 recommendation, could you not?

19 A Probably.

20 Q And so the more times that you do this, the better
21 your opportunity is for a good sentence?

22 A Probably.

23 Q And the more effective your testimony is for the
24 government, the more opportunity that you will have to
25 come back?

1 A Yes.

2 Q And by effective, we mean if there's a conviction
3 in the case, correct?

4 A I don't know.

5 Q You're hoping for a conviction in this case,
6 aren't you?

7 A Really that is for you to deal with, not me.

8 Q Wouldn't you feel that if there's not a conviction
9 that it's going to be perceived that you didn't help
10 the government enough?

11 MR. MORENO: Objection, that would call
12 for speculation on this.

13 THE COURT: Sustained.

14 MR. BALLI: As to what he feels?

15 MR. MORENO: Calls for speculation about
16 whether what he thinks we would think.

17 THE COURT: The objection is sustained.

18 MR. BALLI: Your Honor, may we approach?

19 THE COURT: You may.

20 (At sidebar.)

21 THE COURT: It is the government that
22 determines whether or not they use him, so really what
23 you're asking him is what will the government think
24 about it.

25 MR. BALLI: That's not what I'm asking.

1 What I'm asking is what his perceptions are of that.
2 And it's very important how he perceives it. That if he
3 thinks that they're going to use him again -- if he
4 thinks that. If he feels that right now, then it's
5 important for him to impress the government today.

6 MR. MORENO: Well--.

7 THE COURT: Okay. That's not the
8 question you asked.

9 MR. MORENO: Then I'm also going to
10 object because then he's misstating what the law is.
11 He's basically implying that the more he testifies, the
12 like we will give him more than one reduction. It's
13 just 5-K.

14 MR. BALLI: He's not a lawyer. It
15 doesn't matter what he--.

16 MR. MORENO: Well--.

17 MR. BALLI: It's what his understanding
18 is whether it's wrong or whether it's right.

19 THE COURT: But you're not asking him
20 whether he's trying to in any way, shape, or form
21 influence the government's decision to use him or not
22 use him in the future. That's not what you're asking
23 him. You're asking him basically it's like, you know,
24 in your opinion the government is going to use you or
25 not you see based on the conviction here, which

1 basically is asking like, you know--.

2 MR. MORENO: Are we are more likely to
3 file 5-K.

4 THE COURT: The objection has been
5 sustained.

6 MR. BALLI: Okay.

7 (End of sidebar.)

8 MR. MORENO: I'm sorry. Just for the
9 record, can we get the--.

10 THE COURT: And all the bench conferences
11 are on the record. The objection was sustained, but the
12 bench conferences are on record.

13 BY MR. BALLI:

14 Q And isn't it true, Mr. Jasso, that on August 4,
15 2008, you were in this courtroom as was your wife,
16 Aurora del Bosque, and you were both asking for a
17 trial?

18 A Yes.

19 Q And on August 11th of 2008, isn't it true that the
20 government brought out a superseding information or an
21 information against your wife Aurora del Bosque?

22 A I wouldn't know. I don't know about that.

23 Q Isn't it true that on August 11, 2008, you and
24 your wife Aurora Del Bosque both pled guilty here in
25 federal court?

1 A I came with Cardona. At that moment, Aurora del
2 Bosque decided to go to trial when I plead guilty.

3 Q What you're saying is that you both weren't on
4 August the 11th in court at the same time, correct?

5 A No, we were. But she decided to go to trial.

6 THE COURT: She decided to go to trial.

7 THE INTERPRETER: Thank you, Your Honor.

8 BY MR. BALLI:

9 Q And then an information came out, and she ended up
10 pleading guilty, correct?

11 A I don't know why she would have pled guilty or
12 what deal she might have had. I wouldn't know.

13 Q You don't have any knowledge about what happened
14 to Aurora Del Bosque?

15 A No, just that her sentence was reduced to three
16 years.

17 Q And you pled guilty, correct?

18 A Yes.

19 Q Did have any informal agreement with the
20 government that they would reduce Aurora del Bosque's
21 charges if you pled guilty?

22 A No.

23 Q Isn't it true that Gabriel Cardona, Juan Ramos,
24 Richard Guerrero, and Pablo are all either from your
25 neighborhood or went to school with you?

1 A Yes.

2 Q And isn't it true that you do not have any proof
3 other than your word?

4 A Yes.

5 Q That--.

6 THE COURT: Let him finish the question
7 first.

8 BY MR. BALLI:

9 Q -- that Gerardo Castillo was involved in the
10 Resendez murderers?

11 A How, how, how?

12 Q You don't have any proof other than your word?

13 A Yes.

14 Q And on that day you were using cocaine, correct?

15 A Yes.

16 Q And isn't it true that on April 11, 2006, when you
17 were interviewed by the Laredo Police Department you
18 never mentioned the name of Gerardo Castillo or the
19 name Cachetes?

20 A I believe, I did mention Cachetes.

21 MR. BALLI: Your Honor, may we approach,
22 Your Honor?

23 THE COURT: You may.

24 (At sidebar.)

25 MR. BALLI: The April 11th interview is

1 very long. There's a transcript, and then there's a
2 video, and I am going to ask him to look through the
3 entire thing right now to see if it will refresh his
4 memory. And I suspect that he's going to say he needs
5 to look at it. I'm just saying so maybe in case the
6 court wants to break. We should probably break so he
7 can look at that. I would like to ask the question and
8 then have us break for lunch, I guess.

9 THE COURT: Well, I mean, if we're going
10 to break for lunch, we'll just break for lunch.

11 MR. BALLI: Okay.

12 THE COURT: But you're going to be asking
13 him to review the entire transcript to see what's
14 mentioned in there?

15 MR. BALLI: Because it's not -- I would
16 like him to review the entire transcript.

17 MR. MORENO: Could we just give him both
18 transcripts. I know there's a -- can we ask the police
19 department and try to get the tape out of the property
20 room.

21 MR. BALLI: I have it.

22 THE COURT: You do have it?

23 MR. BALLI: I do have it.

24 THE COURT: No, no, no. The recorded one
25 that came up yesterday. Yes. Okay. All right. Back

1 to your desks then.

2 (End of sidebar.)

3 THE COURT: Okay. Ladies and gentlemen,
4 we're about to move into a different area, so we're
5 going to go ahead and take our lunch break. I would ask
6 that you come back and be ready to resume at 1:30. I do
7 remind you of the court's instructions. You may step
8 out.

9 (The jury leaves the courtroom.)

10 THE COURT: Mr. Jasso, during the lunch
11 break, you're going to be given a transcript to look
12 over that's one of the transcripts from one of the
13 interviews. You just need to kind of look through it to
14 try to refresh your memory because you're going to be
15 asked questions about that after lunch. Do you
16 understand that?

17 THE WITNESS: Yes, ma'am.

18 THE COURT: All right. Any issue,
19 marshals, as far as him taking that transcript back with
20 him?

21 THE MARSHAL: No.

22 THE COURT: All right. Okay. Anything
23 else at this time?

24 MR. MORENO: No, Your Honor.

25 MR. BALLI: No, Your Honor.

1 THE COURT: Thank you. Until 1:30 then.

2 (Lunch Break.)

3 CSO: All rise.

4 THE COURT: Thank you. You may be
5 seated. I understand there was an issue?

6 MR. BALLI: Your Honor, in the file for
7 Rosalio Reta, which is one of the witnesses that for
8 this afternoon potentially, the government has I thought
9 it was a report. But they tell me now it's a newspaper
10 article where it states that Rosalio Reta was diagnosed
11 with personality disorder by a psychologist. So there
12 was a psychological evaluation performed on this
13 gentlemen. I don't know when this came to this
14 attention, but, obviously, that's critical to us because
15 the issue in this case is identification by two
16 witnesses and that's it. And so this gentlemen has a
17 psychological disorder, and there's a report that the
18 government knew about, then we're entitled the that
19 report to conduct our own expert evaluation to discredit
20 him. We never got that information until today.

21 THE COURT: You never got what
22 information?

23 MR. BALLI: That he had been--.

24 THE COURT: That you have with that
25 report -- what you have in your hand right now the

1 newspaper article was in the file.

2 MR. MORENO: Yes.

3 THE COURT: Well then why didn't you have
4 the information about the psychological if it was in the
5 file.

6 MR. BALLI: Your Honor, I reviewed the
7 entire government file--.

8 THE COURT: Wait, I'm going stop you,
9 Mr. Balli. The other day you mentioned about, you know,
10 certain reports that you had been handed and were not in
11 the file.

12 MR. MORENO: He's talking about the
13 files -- the ones from beginning and people that were
14 going to come testify. And that's all I have. It was a
15 newspaper article.

16 THE COURT: But that was in your file?

17 MR. MORENO: On the one we gave him for
18 preparation for his testimony when he comes today.

19 THE COURT: Okay.

20 MR. MORENO: Let's keep in mind that Reta
21 became a witness last Friday when--.

22 THE COURT: Right. And he's not -- and
23 keep in mind that he's not been in federal custody.

24 MR. MORENO: He's not a defendant.

25 THE COURT: He's not a defendant in this

1 case. He's not, you know, before this court as anything
2 other than a witness. But the question I'm asking right
3 now is when did you get that report?

4 MR. BALLI: Today.

5 MR. MORENO: This morning.

6 MR. VELA: This morning.

7 THE COURT: Okay. All right. So that
8 when that comes up to you, okay. And so do you claim
9 that the government has that psychological in its file,
10 and the government here is the United States of America
11 not at the state court?

12 MR. MORENO: This is from Mexico, Your
13 Honor.

14 THE COURT: This is from Mexico.

15 MR. BALLI: Your Honor, this is what--.

16 THE COURT: Listen to my question.

17 MR. BALLI: Yes.

18 THE COURT: Do you claim that the United
19 States government has that psychological in their files?

20 MR. BALLI: I don't know.

21 THE COURT: I'm asking you if you claim
22 that.

23 MR. BALLI: I don't know. I'm not
24 claiming that they do or I'm not claiming that they
25 don't. I don't know.

1 THE COURT: But you're not claiming that
2 they do? That's all I am asking.

3 MR. BALLI: I'm not claiming that they
4 do.

5 THE COURT: Okay. How would you propose
6 that they give it to you if they don't have it in their
7 file?

8 MR. VELA: Your Honor, if it's in the
9 file, I don't know when it got there. But they knew
10 Reta was going to testify last week. We're entitled to
11 any impeachment evidence anything that would attack the
12 credibility of the witnesses.

13 THE COURT: But they can't. Everything
14 that they have--.

15 MR. VELA: Well if they know about, Your
16 Honor, this gentlemen was transferred to the United
17 States.

18 THE COURT: Stop for a second. Stop for
19 a second. That doesn't mean that they have it, okay.
20 It has been something that they have that's within their
21 control. If it's one of their agents have it, they
22 should give it to you. If the federal government itself
23 through some other agency has it, that he should give it
24 to you. But, you know, because it was a psychological
25 done on a witness doesn't mean that the government has

1 it.

2 MR. BALLI: Your Honor, we're not saying
3 that they have that. But we're saying is that they had
4 this article. This article discloses that -- states
5 that in Mexico a government agency--

6 THE COURT: I understand.

7 MR. BALLI: -- performed.

8 THE COURT: The issue.

9 MR. BALLI: Testing.

10 THE COURT: The issue here is the report.

11 Okay. Should they give you the report?

12 MR. BALLI: We're not asking for the
13 report, Your Honor.

14 THE COURT: What are you asking for?

15 MR. BALLI: What we're -- go ahead,
16 Mr Vela.

17 MR. VELA: We're asking to exclude the
18 witness--

19 THE COURT: Because?

20 MR. VELA: -- for failure to produce
21 information that prohibits us to effectively
22 cross-examine the witness and prohibits my client a fair
23 trial because one of there star witnesses has a
24 psychological evaluation that the government knew about
25 because it's in their file that we didn't know about

1 until this morning.

2 THE COURT: All right.

3 MR. VELA: And so it's not--.

4 THE COURT: Okay. I understand the
5 request. Okay. Mr. Moreno, let me hear first off does
6 the government have this psychological evaluation in its
7 files?

8 MR. MORENO: No, Your Honor.

9 THE COURT: Okay. The report that's in
10 the files was part of what you have handed to defense
11 counsel today I take it?

12 MR. MORENO: Yes.

13 THE COURT: Okay.

14 MR. MORENO: It's an article from the
15 Mexican newspaper.

16 THE COURT: I understand all that.

17 MR. MORENO: I took it off the internet,
18 so I printed everything I had about them. And put it in
19 a file and gave it to them this morning.

20 THE COURT: I understand that. I
21 understand that. Okay. Does the government -- and by
22 that I mean the United States government have within its
23 possession this psychological?

24 MR. MORENO: No, Your Honor.

25 THE COURT: Okay. And do you

1 understand--.

2 MR. MORENO: Not that I'm aware of. We
3 never talked to the Mexican government about anything of
4 this stuff. I don't even know if there is one. I know
5 it says that--.

6 THE COURT: The newspaper article reports
7 that. Okay. All right. The request is denied.

8 MR. VELA: Your Honor, just to preserve
9 error. I would state that the legal objections are that
10 this affects my client to cross-examine the witnesses,
11 violation of his Fifth Amendment right prevents him from
12 having a fair trial violation of Sixth Amendment right.
13 Also the failure to disclose material favorable to the
14 defendant known to the government if it was in their
15 file for even a week is violation of Brady, if it was in
16 their possession. If the court obviously declined our
17 motion to exclude the witness, then I would ask for a
18 recess to get that information to effectively cross
19 examine the witness, so that my client can be protected
20 and have a fair trial because it's the only evidence the
21 government has is these two witnesses saying that our
22 client was there.

23 THE COURT: Okay. Let's make clear what
24 we're talking about here. And, you know, for purposes
25 of this proceeding here right now, the court wants a

1 copy of the newspaper article itself. So what we are
2 talking about here is a newspaper article makes
3 reference to an examination done of Reta who was
4 expected to testify here. As the court understands it,
5 that examination, if it was done at all, was done in
6 Mexico. So we are not talking here about the government
7 failing to disclose a psychological that was in their
8 possession.

9 MR. MORENO: And I would add if I
10 remember correctly what it says is that it is part of
11 their juvenile proceedings because he was still a
12 juvenile there. They did a psychological evaluation in
13 their proceedings in Mexico.

14 MR. VELA: And he was diagnosed with a
15 personality disorder.

16 MR. MORENO: And I would also -- I guess
17 while we are doing this I guess it's a Brady allegation.
18 So the answer also for this record I would say one I
19 think the requirement is that we disclose it in time for
20 them to be able to use it. It's in the public.

21 THE COURT: Domain.

22 MR. MORENO: Because I got it from the
23 internet just like they could have done it from the
24 internet. The moment I walked out of the jail at
25 Encinal when they told me he was willing to testify.

1 THE COURT: And for the record, you said
2 that was last--?

3 MR. MORENO: Friday.

4 THE COURT: On Friday.

5 MR. MORENO: Friday afternoon -- Friday
6 morning I called and e-mailed Mr. Balli to tell him that
7 he had agreed to testify, and we would be using him as a
8 witness. Since then, I've told everything I've got from
9 him including the article and put it in a file.

10 THE COURT: And the article you pulled
11 from the internet sometime within the recent I guess I
12 don't know if that has a time on there or not. But this
13 is an article that's available on internet.

14 MR. MORENO: Yes, That's where I got it.

15 MR. BALLI: Your Honor, I would like to
16 add that even though they just realized that Mr. Reta
17 finally is going to be a witness, for months they have
18 been pursuing that. And months ago I was told -- months
19 ago I was told by Mr. Moreno that he intended to call
20 Mr. Reta as a witness, that he didn't know if he was
21 going to testify or not. But that he wanted to.

22 THE COURT: But let me stop you,
23 Mr. Balli. If you have known this for months and this
24 newspaper article is in the public domain, then you
25 could have also conducted an internet search and come up

1 with the same newspaper article months ago.

2 MR. BALLI: I don't know that, Judge.

3 THE COURT: Mr. Moreno has represented
4 that this is a newspaper article in the public domain.

5 MR. BALLI: That's his representation,
6 Your Honor. I don't know -- I mean I trust Mr. Moreno,
7 but I don't know that I would have found the same
8 article.

9 THE COURT: Well.

10 MR. BALLI: Conducted the same search.

11 THE COURT: Well, obviously part of that
12 may depend on competence, but this is an article in the
13 public domain. Mr. Moreno, as I understand, you did not
14 use any source exclusive to the government to obtain
15 this article, correct?

16 MR. MORENO: Contrary to popular belief,
17 there aren't really whole lot of sources exclusive to
18 the government.

19 THE COURT: I'm just asking for the
20 record here. Is that correct?

21 MR. MORENO: That's correct.

22 THE COURT: Okay.

23 MR. MORENO: I would also add that it
24 doesn't keep him from questioning him all they want
25 about him or impeaching him with it. And I don't know

1 exactly what that means that in this juvenile assessment
2 they determined that he has a disorder. I don't think
3 there's going to be any doubt that anybody who starts
4 killing people at 13-years-old has something wrong with
5 him. So I'm not sure that that prevents them from being
6 able the use that and bringing that out and questioning
7 them about it. So I'm not sure where the Brady
8 violation will occur.

9 THE COURT: For the record, as we have
10 been having this discussion, my very able case manager
11 has -- and if I can see that one there I don't know if
12 this is the same article, but--.

13 MR. BALLI: Your Honor, we're going to
14 ask that the article because it's in Spanish be read
15 into the record and translated into the record in the
16 English language, Your Honor.

17 THE COURT: I don't know if the one
18 that's the government and now the defense counsel's
19 possession whether that's the same one that we have
20 printed up because this one is in English. I'm sorry,
21 you were going to ask what?

22 MR. BALLI: Your Honor, that because this
23 article is in the Spanish language, we're going to ask
24 that the court interpreter read it into the record in
25 the English language to preserve error.

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1 THE COURT: At what point in time?

2 MR. BALLI: At any point, Your Honor. It
3 could be--.

4 THE COURT: You're talking about right
5 now?

6 MR. BALLI: Yes. In order to
7 preserver -- because we're going to introduce it as an
8 exhibit but since--.

9 THE COURT: Oh, you're going to offer it
10 as an exhibit?

11 MR. BALLI: Yes, Your Honor.

12 THE COURT: Whether it's introduced is
13 the court's decision.

14 MR. VELA: For purposes of this motion,
15 Your Honor.

16 THE COURT: For purposes of this motion,
17 I'm not going to have them sit here and read the
18 whole -- this is the article it can be made part of
19 record. I'm not all going to have are read right now
20 into the record not right at the moment.

21 MR. VELA: Okay. Later on, Your Honor?

22 THE COURT: We have a jury waiting to
23 come in. It can be made part of the record here.

24 MR. VELA: Motion for recess is denied?

25 THE COURT: It is denied. Yes. All

1 right. I have -- this one we need to have a copy.

2 We'll do that very quickly for purposes of this hearing.

3 It will be introduced as exhibit -- I think yesterday we
4 had an A. I guess this will be a B.

5 MR. BALLI: Defense B.

6 THE COURT: Okay. Do we have anything
7 else before we continue with Mr. Jasso?

8 MR. MORENO: Not from the government.

9 THE COURT: Okay. Let's go ahead and
10 bring in Mr. Jasso.

11 MR. BALLI: Thank you.

12 (The jury enters the courtroom.)

13 CSO: Please rise for the jury.

14 THE COURT: Thank you. You may be
15 seated. Good afternoon, ladies and gentlemen. We are
16 ready to continue here. Mr. Balli, you may proceed.

17 MR. BALLI: Your Honor, may I approach
18 the witness?

19 THE COURT: You may.

20 BY MR. BALLI:

21 Q Mr. Jasso, right before the break I asked you
22 whether in your interview of April 11, 2006, you had
23 ever mentioned the name Cachetes to the Laredo police
24 Detective Robert Garcia?

25 THE COURT: Let me stop the interpreter.

1 The only thing that's being interpreted is the answers.

2 He understands it in English so just the answers.

3 BY MR. BALLI:

4 Q Robert Garcia and Carlos Adan?

5 A Yes.

6 Q And during the recess, you were given an
7 opportunity to review a transcript of that interview,
8 were you not?

9 A Yes.

10 Q And having reviewed that, I want to ask you the
11 question again. Isn't it true that you did not mention
12 the name of Cachetes on that day?

13 A Yes.

14 Q Yes you did or yes you didn't?

15 A No, it's true. I didn't mention it.

16 Q And you didn't mention the name Gerardo Castillo,
17 did you?

18 A No.

19 Q You didn't mention the name Armando Garcia, did
20 you?

21 A No.

22 Q You did mention the names Gabriel Cardona, Jose
23 Martinez, and Pantera, correct?

24 A Yes.

25 Q And you told Robert Garcia and Carlos Adan that

1 Mr. Cardona and Mr. Martinez and Pantera were all
2 involved in the shooting of the Resendizes, correct?

3 A Yes.

4 Q And at this meeting at Siete Viejo park that you
5 describes, you were more of a lookout at the park,
6 correct?

7 A I wasn't looking out for -- I walked with the
8 group.

9 Q And that meeting at Siete Viejo park didn't happen
10 on the same date like you testified earlier today. It
11 happened the day before or two days before, correct?

12 A I don't remember well.

13 Q Sir, do you remember giving testimony here
14 yesterday afternoon in this courtroom?

15 A Yes.

16 Q Outside the presence with no jury, correct?

17 A Yes.

18 Q And isn't it true that yesterday afternoon you
19 told this judge -- you told us everyone who is here,
20 aside from the jury, that that meeting at Siete Viejo
21 park happened one or two days before April 2, 2006?

22 A Yes.

23 Q And isn't it true that on April 11, 2009, you told
24 the police--?

25 MR. MORENO: 2009?

1 MR. BALLI: I'm sorry, 2006. On April
2 the second -- let me start again.

3 BY MR. BALLI:

4 Q On -- during your interview of April 11, 2006, you
5 told the police that after the Resendez double homicide
6 you left in your own vehicle away from the shooting?

7 A Yes.

8 Q And that you were by yourself, correct?

9 A Yes.

10 Q And isn't it true that on April 2, 2006, you
11 weren't at the house from 3:00 to 8:00 p.m? As a
12 matter of fact, you were out looking for Mr. Resendez.

13 A No.

14 Q Do you remember making a statement on April 11,
15 2006, to Robert Garcia?

16 A Yes.

17 Q And Carlos Adan?

18 A Yes.

19 Q And in that statement you told them that you were
20 out looking for Jesus Resendez, correct?

21 A Yes.

22 Q In fact, you reviewed this whole transcript today,
23 did you not?

24 A Yes.

25 Q And didn't you tell Robert Garcia and Carlos Adan

1 that you went to a melon house. Melon-colored house in
2 the Santa Rita neighborhood on April 2nd?

3 A It's pink.

4 Q You said melon, but you're saying that it was
5 pink?

6 A Pink.

7 Q So pink house in the Santa Rita neighborhood?

8 A Santa Fe.

9 Q Sorry?

10 A Santa Fe.

11 Q Okay. Do you remember going to that house?

12 A Yes.

13 Q And isn't it true that when you returned from that
14 house that it was 6:00 p.m. not 3:00 p.m.? I'm asking
15 you if it's true. I'm asking you if it's true -- I am
16 asking you about your statement now. I am asking you
17 whether or not it's true that you did not arrive at
18 Pepe's house at 3:00 p.m. that you arrived later. It
19 was like at 6:00 p.m.?

20 A No, it was in the afternoon.

21 Q Do you remember making a statement to Robert
22 Garcia and Carlos Adan on November 2, 2006?

23 A Yes.

24 Q In the federal courthouse in San Antonio?

25 A Yes.

1 Q And isn't it true that in that statement--?

2 MR. MORENO: Sorry. What was date?

3 MR. BALLI: November 2nd.

4 BY MR. BALLI:

5 Q Isn't it true that in a statement you said that
6 you had arrived at Pepe's house at about 6:00 p.m.?

7 A I didn't read that transcript, but, yes, I did
8 make that comment.

9 MR. MORENO: I'm sorry, Your Honor. I
10 think the correct translation is (*if it says this I said
11 that.*)

12 THE COURT: I agree with that
13 translation.

14 BY MR. BALLI:

15 Q You testified earlier that when you left Cosmos
16 after an attempt there at Cosmos to locate someone that
17 you-all wanted to kill that you were with a person by
18 the name of Enrique Garcia?

19 A Yes.

20 Q Who is Enrique Garcia?

21 A He's a friend. Not related with the case.

22 Q Does he have any other name or nickname?

23 A No, just Kike.

24 Q And isn't it true that when you were interviewed
25 by Robert Garcia on April 11, 2006, you didn't mention

1 that Enrique Garcia was at Cosmos?

2 A No.

3 MR. BALLI: May we have a moment, Your
4 Honor?

5 THE COURT: You may.

6 BY MR. BALLI:

7 Q Okay. At Cosmos who were the individuals that
8 were there -- that were there with your group all of
9 them. All of the people who were going to be involved
10 in the shooting?

11 A Me, J.P., Cardona, and Ramos.

12 Q You, J.P., Cardona, and Ramos. And Enrique Garcia
13 was he there with you or did you just run into him at
14 the gas station.

15 A We just ran into him.

16 Q Okay. So it was you, Cardona, J.P., and Ramos?

17 A Yes.

18 Q Okay. Are you aware that there was a government
19 informant who was coming here to testify in court?
20 Were you made aware of that?

21 A No.

22 Q Okay. A government informant testified in this
23 court this week that he was there with you guys.

24 A I don't recall that. I don't remember.

25 Q So you don't remember anyone else besides those

1 four individuals being there with you at Cosmos?

2 A Juan Valdez.

3 Q Juan Valdez?

4 A Yes.

5 Q Juan Valdez. Okay.

6 A Yes.

7 Q So is Juan Valdez the guy you called the
8 Colombian?

9 A Yes.

10 Q Okay. And is he actually Colombian, or do you
11 call him Colombian because of his name?

12 A Because of his name.

13 Q And is Juan Valdez the same individual that helped
14 rent the house on Orange Blossom?

15 A Yes.

16 Q And those were the only individuals that were
17 there at Cosmos?

18 A Yes.

19 Q And isn't it true that on April 11, 2006, you did
20 not give the police any descriptions of any other
21 people that were -- that were involved in the shooting
22 of Resendez?

23 A No.

24 Q No, you didn't give a description or, no, you did?

25 A No, I didn't.

1 Q You didn't give a description? And isn't it true
2 that in your statement of April 11, 2006, you said that
3 there was three people in the bed of the truck?

4 A Yes.

5 Q Okay. And do you still agree with that--

6 A Yes.

7 Q -- statement that there were three people in the
8 bed?

9 A Yes.

10 Q And how many people are you saying were in the
11 front of the truck?

12 A Five.

13 Q And isn't it true that you told the police on
14 April 11, 2006, that when you left the scene of the
15 Resendez shooting that you went to the Santo Nino
16 neighborhood?

17 A Yes.

18 Q And that you were picked up by Aurora del Bosque?

19 A No.

20 Q No, you weren't picked up or, no, you didn't say
21 that?

22 A I didn't say that.

23 Q Okay. And didn't you say that you went to the
24 Santo Nino neighborhood and got rid of your vehicle?

25 A No.

1 Q Isn't it true that you offered yourself to be a
2 hitman?

3 A Yes.

4 Q And nobody invited you into that business? You
5 invited yourself into it?

6 A Yes.

7 Q And you did it because you wanted to help yourself
8 with money, correct?

9 A Yes.

10 Q And you got yourself in the drug business because
11 you wanted to help yourself with money, correct?

12 A Yes.

13 Q And isn't it true that right now money doesn't
14 mean anything to you?

15 A It's true.

16 Q Because you're in jail?

17 A Yes.

18 Q The only thing that means anything to you right
19 now is your freedom and your family, correct?

20 A Yes.

21 Q And isn't it true that you have been asking the
22 state or the government to help you since the very,
23 very beginning?

24 A No.

25 Q Wasn't it true that on April 11, 2006, that before

1 you agreed to give an interview you asked Robert Garcia
2 and Carlos Adan how they could help you?

3 A They offered me how could they help me. I didn't
4 ask.

5 MR. BALLI: Your Honor, permission to
6 approach the witness?

7 THE COURT: You may.

8 THE WITNESS: Yes.

9
10 BY MR. BALLI:

11 Q Isn't it true that you told or you asked Robert
12 Garcia and Carlos Adan, how are you going to help me?

13 A Yes.

14 Q And they told you that they would talk to the
15 District Attorney's Office, correct?

16 A Yes.

17 Q And when they said the District Attorney's Office,
18 it's your understanding that that would be Jesse
19 Guillen of the District Attorney's Office?

20 A I wouldn't know if it was Jesse Guillen, but they
21 said the district attorney.

22 Q And you know Jesse Guillen is with the district
23 attorney's office?

24 A Yes.

25 Q Or at least he was back then?

1 A Yes.

2 MR. BALLI: Pass the witness.

3 THE COURT: Mr. Moreno.

4 REDIRECT EXAMINATION

5 BY MR. MORENO:

6 Q Okay. So all they offered was to talk to the
7 District Attorney's Office for you?

8 A Yes.

9 Q You mentioned earlier in response to the question
10 by Mr. Balli when you were talking about your judgment
11 from the 49th about running concurrent with your case
12 in San Antonio?

13 A Yes.

14 Q But you said it didn't work out that way. What
15 did you mean?

16 A They sent me back to state to serve my state time
17 first.

18 Q So it didn't run concurrent?

19 A No.

20 Q So you get to serve one and then you got to start
21 the other?

22 A Yes.

23 Q You also said that part of the reason you did this
24 is because you were trying to help your wife?

25 A Yes.

1 Q Because you wanted to keep her out of a jail?

2 A Yes.

3 Q Where is she now?

4 A In jail.

5 Q That didn't work out either?

6 A No.

7 Q You said that you didn't know what deal she made,
8 but that her charge was reduced or her sentence was
9 reduced to three years?

10 A Yes.

11 Q Did you know that three years was actually the
12 maximum of that charge?

13 A No.

14 Q And you've been talking about it for while, but
15 you gave two statements to the police, right?

16 A Yes.

17 Q One on April 11, 2006, after you got arrested?

18 A Yes.

19 Q And then on November 2, 2006, in San Antonio after
20 you -- when you were being held in San Antonio for the
21 drug charge?

22 A Yes.

23 Q Okay. And you have already told us from the
24 documents that were introduced by the defense that you
25 pled guilty to your murder charges in the state court?

1 A Yes.

2 Q And you pled guilty here?

3 A Yes.

4 Q Now I think they also asked you whether you knew
5 if your wife had also been charged in the murder case
6 Moises Garcia?

7 A In the federal?

8 Q State.

9 A State? Yes.

10 Q Okay. And in Noe Flores'?

11 A Yes.

12 Q And in the Resendezes?

13 A Yes.

14 Q And do you know if Gabriel Cardona his name was
15 also there he too was also indicted in those three
16 cases?

17 A Yes.

18 Q Okay. Do you know if he pled also pled guilty in
19 all three of those cases?

20 A Yes.

21 Q Okay. So he too was facing a 5 to 99 year or life
22 sentence?

23 A Yes.

24 Q But he didn't get 99 years or life for either one
25 of those sentences?

1 A No.

2 Q And he also pled guilty, you said, the same day
3 that you did here in federal court?

4 A Yes.

5 Q So he basically -- and you know that he gave
6 statements to the police also?

7 A Yes.

8 Q So just like you, he gave multiple statements to
9 the police?

10 A Yes.

11 Q He pled guilty to the state charges like you?

12 A Yes.

13 Q He got -- he didn't get the maximum in state court
14 like you?

15 A No.

16 Q He pled guilty here like you?

17 A Yes.

18 Q And where is he now?

19 A State prison.

20 Q And how much time did he get here in the federal
21 system?

22 A Life.

23 Q Now you told Mr. Balli that you thought or I guess
24 he asked you whether you thought you had gotten a
25 fabulous deal for your pleas over there and here?

1 A Over there.

2 Q Over there. Okay. And he also told you that as
3 part of your plea agreement that the government would
4 reduce -- I mean would dismiss 11 of the other charges
5 you had in the indictment here?

6 A Yes.

7 Q Okay. Now a lot of those or most of those also
8 carried a life sentence?

9 A Yes.

10 Q Okay. But if you get a life sentence, does it
11 matter to you whether you got one or 12 life sentences?

12 A No.

13 Q It's still a life sentence?

14 A Yes.

15 MR. MORENO: That's all I have, Your
16 Honor.

17 RECROSS EXAMINATION

18 BY MR. BALLI:

19 Q Gabriel Cardona got 80 years in state court,
20 didn't he?

21 A Yes.

22 THE COURT: Was that all, Mr. Balli?

23 MR. BALLI: No, Your Honor.

24 THE COURT: Okay.

25 BY MR. BALLI:

1 Q When you reached your agreement in state court,
2 you thought that they would end up running concurrent,
3 correct?

4 A Yes.

5 Q But it didn't work out the way that you expected
6 it to work out?

7 A Yes.

8 Q And so you understand that that means that now you
9 may have to -- you may have to serve close to 24 years,
10 correct?

11 A Yes.

12 MR. BALLI: I pass the witness.

13 THE COURT: Anything further, Mr. Moreno?

14 MR. MORENO: No, Your Honor.

15 THE COURT: All right. Thank you. You
16 may step down.

17 (End of testimony.)

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1 CERTIFICATE

2 I, Leticia O. Gomez, Official Court Reporter,
3 certify that the foregoing is a correct transcript from the
4 record of the proceedings in the above-entitled matter.

5 WITNESS MY OFFICIAL HAND, this 16th day of
6 February, 2010.

7
8 /S/LETICIA GOMEZ
9 Leticia O. Gomez
CSR: 4767

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